

ATTACHMENT R

TRANSCRIPT OF PROCEEDINGS

In the Matter of:)
) MUR 7468
PROGRESSIVE PRIORITIES PAC,)
et al.)

Deposition of: Matthew Tunstall

Pages: 1 through 209

Place: Washington, D.C.

Date: October 21, 2019

HERITAGE REPORTING CORPORATION

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BEFORE THE UNITED STATES FEDERAL ELECTION COMMISSION

In the Matter of:)
) MUR 7468
PROGRESSIVE PRIORITIES PAC,)
et al.)

Deposition of:

MATTHEW TUNSTALL

a witness of lawful age, taken on behalf of the
Agency, pursuant to notice, in the offices of Federal
Election Commission, 1050 First Street N.E., on Monday,
October 21, 2019, at 10:00 a.m., before David Jones,
Notary Public in and for the District of Columbia, when
were present:

APPEARANCES:

On behalf of the Deponent:

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APPEARANCES: (Cont'd)

On Behalf of the Agency:

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C O N T E N T S

WITNESS:

Matthew Tunstall

PAGE

EXAMINATION BY COUNSEL FOR THE AGENCY

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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
1	11	Subpoena for Matthew Tunstall
2	49	Interrogatory of Matthew Tunstall
3	56	Article of Incorporation, Operating Agreement for Delaware.
4	72	Statement of Organization and Articles of Incorporation.
5	77	Statement of Organization FEC Form 1.
6	79	FEC Form 1 for Progressive Priorities PAC dated 9/23/16.
7	82	FEC Form 1 for Progressive Priorities PAC dated 12/1/16.
8	84	Correspondence Henok Tedla and Graham Wilson.
9	90	Progressive Priorities PAC roles clarification.
10	98	FEC Form 3X 4/15 quarterly report.
11	109	Forwarded email from Matthew Tunstall.
12	115	List of donors.

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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
13	122	FEC Form 3X 7/15 quarterly report/.
14	140	Document for SmartCall Media.
15	161	FEC Form 3X 10/15 quarterly report.
16	169	Transcript of robocall.
17	193	Checks made out to Progressive Priorities PAC.
18	198	Document from appointed registered agent for Progressive Priorities PAC.

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P R O C E E D I N G S

(10:00 a.m.)

THE COURT REPORTER: October 21st, FEC
deposition of Matthew Tunstall. Check, check, check.
Okay, we're on? Could you please raise your right
hand, please?

Whereupon,

MATTHEW NELSON TURNSTALL

having been duly sworn, was called as a
witness and was examined and testified as follows:

THE COURT REPORTER: Thank you.

MS. DI GIOVANNI: My name is Justine Di
Giovanni. I'm an attorney with the Federal Election
Commission, as is my colleague Jin, Jin Lee and my
colleague, Amanda Andrada. We're gathering
information today in connection with Matter Under
Review, MUR 7468, which concerns Progressive
Priorities PAC. And this deposition is being
conducted pursuant to a Subpoena under 52 USC Section
3019. And though we're calling this a deposition,
it's actually an investigative deposition, which is
sort of like an interview. The major difference is
that we've got the court reporter here and you've
taken an oath to tell the truth under penalty of
perjury. So the oath has the same force in effect as

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1 if you've taken it in a courtroom before a judge.

2 THE WITNESS: I got you.

3 MS. DI GIOVANNI: During the investigative
4 deposition, I'll be asking you questions and showing
5 you documents. I want to know everything that you
6 know, regardless of whether you think it's important
7 to our investigation or not. And this investigation
8 is not governed by the Federal Rules of Civil
9 Procedure or the Federal Rules of Evidence.

10 Therefore, I'm not concerned about the source of your
11 information. So if you heard it from someone else or
12 overheard it in a conversation, that's fine. I just
13 want to know what you know and what you remember.

14 And if I ask you about a conversation and
15 you can't recall exactly what you said, that's fine.
16 I still want to know the gist of the conversation and
17 everything you remember about it.

18 THE WITNESS: Uh-huh.

19 MS. DI GIOVANNI: So there's also a Federal
20 Statute 52 USC Section 30109(a)(12), that requires all
21 persons to keep investigations conducted by the FEC
22 private and confidential, except with the written
23 consent of all persons who are subject to the
24 investigation. So this requirement means that unless
25 you have that written consent, you shouldn't publicly

1 disclose of an ongoing FEC investigation or the fact
2 that FEC has conducted you in regard to this matter.

3 THE WITNESS: Uh-huh.

4 MS. DI GIOVANNI: So this restriction, of
5 course, doesn't keep you from talking about the
6 substance of the investigation with other people, the
7 underlying facts, but just this interview and the fact
8 that an FEC investigation is ongoing.

9 The court reporter will prepare a transcript
10 for today's deposition. And you have the right to
11 review the transcript. You can waive this right if
12 you want to. You can also request that you be allowed
13 to obtain a copy of the transcript.

14 If you wish to make such a request, you have
15 to do it in writing and you have to send it to the
16 Office of the General Counsel here at the FEC, which
17 will take your request under consideration and unless
18 there's a good cause, we'll notify you and the court
19 reporter in writing that you can make your own
20 arrangements with the court reporter to obtain the
21 transcript. So no transcript will be made available
22 unless you receive that notification. And if the
23 Office determines that there's good cause to deny your
24 request, it'll let you know as well. So that's sort
25 of background stuff.

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1 EXAMINATION BY COUNSEL FOR THE AGENCY

2 BY MS. DI GIOVANNI:

3 Q Mr. Tunstall, can you provide me with your
4 full name and your address for the record?

5 A Matthew Nelson Tunstall, my home or --

6 Q Your home address.

7 A -- 3309 Bandalino Lane, Plano, Texas 75023.

8 Q Okay. And you can identify your counsel for
9 me?

10 A My counsel's is Carl Lawyer, J. Lawyer.

11 Q And is he representing you in an official
12 capacity today?

13 A Yes.

14 Q And have you ever been deposed before?

15 A No, I have not.

16 Q Okay. And then, the first thing I'm going
17 to show you. I'm going to introduce Exhibit 1 from
18 the record (phonetic).

19 NOTARY PUBLIC: Mark it.

20 MS. DI GIOVANNI: Yes. That's for you.

21 THE WITNESS: Thank you.

22 BY MS. DI GIOVANNI:

23 Q Sure. And you can identify this document
24 for me?

25 MR. LAWYER: Is this part of it or --

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1 MS. LEE: I hoped (phonetic) you gave --

2 BY MS. DI GIOVANNI:

3 Q And you can identify this document for me?

4 A Yes, this was a subpoena issued to myself.

5 (The document referred to was marked for
6 identification as Agency's Exhibit No. 1)

7 Q Okay. And that's all I need from you, so
8 you can actually hand it back. And that subpoena
9 requires you to do what?

10 A To show up and be, be available here for the
11 deposition.

12 Q And did the subpoena ask you to produce
13 documents, as well?

14 A Yes.

15 Q Okay. Then, let, let me give you a few of
16 the ground rules for, as we go forward today. It's
17 important that we speak up and speak clearly.

18 A Uh-huh.

19 Q And any question that I ask you, if your
20 answer could be an audible yes or on. Uh-huh, Uh-uh
21 doesn't really pick up on the audio equipment and so
22 does nodding your head and shaking it. The court
23 reporter will have trouble understanding us if we talk
24 over each other. Which I've already messed up you
25 know, here. So I'll try to give you the courtesy to

1 let you finish your answers before I clarify any
2 questions and if you could do the same for me, that
3 would be great. It just makes the audio recording,
4 recording clear for his purposes for providing the
5 transcript.

6 And if you don't hear or understand
7 something, please ask me to clarify. Otherwise, I'll
8 assume you've understood, and I'll do the same for
9 you, if I don't understand what you've said. And if
10 you need to take a break at any time, just let us
11 know. I do ask that if you we have a question pending
12 or maybe a series of questions about the same thing,
13 we just wrap that up, but then we can adjourn and go
14 off the record, and let everyone have a little break.

15 We'll also probably end up breaking for
16 lunch. We'll see how things are going as we get there
17 --

18 A Okay.

19 Q -- we'll see how it goes. So do you have
20 any questions about the procedures?

21 A Not at this time.

22 Q Excellent. And are you taking any
23 medications or other drugs that would impair your
24 ability to understand me or to remember?

25 A No, I'm not.

1 Q Okay. And is there any reason why you
2 wouldn't be able to answer my questions fully today?

3 A No.

4 Q Can you tell me, what did you do to prepare
5 for this deposition?

6 A I prepared documents per the subpoena. I
7 also reached out to people that were involved and
8 collected basic information that was relevant, while
9 also keeping confidentiality of this, you know,
10 investigation.

11 Q Sure. And have you produced all of the
12 documents that you reviewed in preparation to us?

13 A Yes, I have.

14 Q Okay. And moving on -- yes, Jin?

15 MS. LEE: I noticed that you have a laptop
16 in front of you.

17 THE WITNESS: Uh-huh.

18 MS. LEE: Can I ask are they're documents
19 that you were looking at?

20 THE WITNESS: Yes. These are, I, I need
21 these for reference.

22 MS. LEE: So are --

23 THE WITNESS: I was instructed by my counsel
24 that I'm allowed to bring my laptop instead of paper
25 copies.

1 MS. LEE: So I just want to make clear that
2 the documents you're looking at --

3 THE WITNESS: Are the same ones that --

4 MS. LEE: You produced?

5 THE WITNESS: -- I produced.

6 MS. LEE: So if you're looking --

7 THE WITNESS: If you have a copy, I can look
8 at those as well.

9 MS. LEE: Right.

10 MR. LAWYER: Right.

11 MS. LEE: So, if you are referring to a
12 document, it would be great if you can show us what
13 you're looking at, so we can --

14 THE WITNESS: If you guys would like to
15 provide paper copies of everything I've submitted, I
16 can look at that here and close my laptop, if
17 necessary.

18 MS. DI GIOVANNI: We're certainly --

19 MS. LEE: Great.

20 MS. DI GIOVANNI: -- you have everything
21 we'll be asking you about, we've got hard copies here.

22 THE WITNESS: Okay, so --

23 MS. LEE: Right, but right, okay. I mean,
24 if you're looking at something to answer a question,
25 that would be great if we saw what you were looking at

1 and --

2 THE WITNESS: Okay.

3 MS. LEE: -- making sure that we also have a
4 copy.

5 THE WITNESS: Understood.

6 MR. LAWYER: Yes.

7 MS. LEE: Okay.

8 MR. LAWYER: Okay.

9 BY MS. DI GIOVANNI:

10 Q So first, can you walk us through your
11 educational background in brief?

12 A Yes. So I have, have a GED. I graduated
13 from high school and then I went to Texas State and I
14 was doing Business Administration, but I didn't finish
15 my degree. And then, I moved to California and was
16 working with, I was just working, working in business
17 with people, so --

18 Q Can you sort of give us the basic dates of
19 those? So when did you graduated high school? When,
20 when were you working on your degree.

21 A So I graduated in 2005 from high school.

22 Q Uh-huh.

23 A And then, after that I went to Texas State
24 for about a semester and then I moved to California
25 and I was going to a community college there.

1 Q And the dates for those? So about when were
2 you at Texas?

3 A 2006, 2007.

4 Q Okay.

5 A And then, yeah.

6 Q And then, can you -- you said then you got
7 into, into business after that point.

8 A Correct.

9 Q And what, you said community college as
10 well, sorry to go back for moment --

11 A It was --

12 Q Which community college was that?

13 A It was called Orange County Community
14 College.

15 Q And the dates for that was a little bit
16 later or at the same time?

17 A I believe it was, I, I went to, like several
18 semesters. So it, it was maybe from the 2007 or 2006
19 to 2008, in between that timeframe.

20 Q Okay. Then you mentioned that you went into
21 business after that point.

22 A Correct.

23 Q Can you walk me through one thing at a time,
24 your employment history, since you were basically in,
25 in high school to now?

1 A Okay. Yes, I can try, okay. So the first
2 job that I had after Community College was, I was
3 working in a call center.

4 Q Uh-huh.

5 A And I believe it was Skyline Media was the
6 company.

7 Q Okay.

8 A And I basically was doing, just sales and
9 things like that for, like, various, like Dish Network
10 and things like that, as, as an affiliate. So I
11 worked on that project. And then, after that --

12 Q And when did that, that end do you think
13 around?

14 A Exact dates --

15 Q It's okay if it's not exact, to the best --

16 A Okay.

17 Q -- of your recollection.

18 A Okay, from 2007 to maybe 2009.

19 Q Okay.

20 A Yeah. So, after that, I recall, you know,
21 basically going and working with Adam McDonald, who
22 was, we were doing, like infomercials and, you know,
23 video production and that's why, you know, was, that's
24 where I was employed after, after that, so --

25 Q And what was the time period with that

1 employer?

2 A I believe it was from 2009 to 2014.

3 Q Okay. And you said you worked with Adam
4 McDonald. What was the company's name? Does, was
5 there one?

6 A Take Two Direct.

7 Q Take Two Direct?

8 A Uh-huh, but I was, actually wasn't paid by
9 him. I was paid by my own company, but I, I don't
10 remember the actual name of the company.

11 Q The -- of your own company?

12 A From that long ago, yeah.

13 Q Okay. And can you explain that a little bit
14 more? I'm, I'm not quite following what you mean.

15 A I, I don't, like, have the actual, like
16 legal --

17 Q Oh.

18 A -- I, I don't remember the legal name. I
19 wasn't prepared for this, for the, for the timeline
20 of, like all the companies.

21 Q That's fine. That's not what I mean. The
22 question I was trying to ask is can you explain how
23 that arrangement worked a little, in more detail --

24 A I was --

25 Q -- how you were --

1 A -- self-employed.

2 Q Okay, so --

3 A And basically, I, I, he, he was, he was
4 paying me as 1099 or a pay into the business. It just
5 depended.

6 Q Is there, correct me if I'm wrong, you were
7 saying that you were functionally an independent
8 contractor through your own company that you were
9 working for this Take Two?

10 A I, I, I remember receiving payment, like
11 from him as a 1099, but then also, like my company,
12 thereafter, like after that, there, yeah, so he would
13 pay the company and then -- like when I first started
14 out, he would just pay, like hourly to me.

15 Q Uh-huh.

16 A And then after that, then I, I started my
17 own company and then, he would just pay me, like a, a,
18 as my company. Basically, as like, kind of like a
19 consultant, but we would still work together, so.

20 Q Okay. So your, your arrangement changed
21 over time?

22 A Yes, yes to answer, yes.

23 Q Okay. And again, what kind of work were you
24 doing with him?

25 A Production, like video production. We did a

1 lot of, like direct response to answer your question.

2 Q So what for, direct response for whom? What
3 kind of video production?

4 A We did -- I remember working with, like
5 doing, you know, call center stuff, you know, also
6 video production, like, yeah, basically making, like,
7 you know, 30 second ads for various clients.

8 Q For clients like whom?

9 A Oh, okay. Well, like Heritage Foundation
10 was one of them.

11 Q Uh-huh.

12 A We had -- that's, that's the one that I
13 remember. Freedom Faith and Freedom Works, it's been
14 a long time ago, so yeah.

15 Q Sure, okay. And remind me when you said
16 that work terminated. Was that around 2014 that you
17 said that you --

18 A Yes.

19 Q Would -- did you have any other employment
20 at the same time or were you working sort of
21 exclusively with Take Two?

22 A I was, yeah, I was, I, I did other, I, I
23 might have done other, I, I actually don't remember,
24 so --

25 Q Okay. So what came after your work with

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1 Take Two?

2 A After that, basically, there was, Adam had
3 a, you know, wanted to explore, you know, working with
4 other people, and I, I didn't like the arrangement he
5 was pushing for. So I, I, I stopped working with, you
6 know, Adam McDonald and Take Two.

7 Q What did you not like about the arrangement?

8 A He was bringing in other people that I, I, I
9 didn't necessarily think were, you know, viable
10 partners on, on projects that we were working with,
11 and I just didn't want to, you know, work with him
12 anymore so.

13 Q Okay. So after you terminated that
14 relationship, what was your next employment.

15 A I, I came to, actually Washington D.C.
16 because I was going to try to get, you know, political
17 clients and things like that, but nothing really ever,
18 like, you know, came up. I, you know, I wasn't able
19 to get PACs and, like candidates, like I, I, I had
20 imagined.

21 Q And just to go back, you mentioned you are,
22 that you were working for your own company. After
23 this deposition, can you produce just the name of,
24 once you look into your records and provide that --

25 A Yeah, I can, uh-huh.

1 Q That would be great, thank you. So you came
2 to D.C.

3 A Uh-huh.

4 Q How long were you in D.C. trying to get
5 these political clients?

6 A it was, like 2014 to, yeah, I think it was
7 just in, actually 2014.

8 Q Okay. And was this using the same company
9 you'd been using with, with Mr. McDonald?

10 A I, I don't recall.

11 Q Sure. And that would be information we'd
12 also be interested in.

13 A But, and just to correct the, the, the
14 company that -- Adam didn't have actual, like
15 ownership in the company that I had. We just had kind
16 of a partnership, so.

17 Q Understood, thank you. But it was your own
18 company you were continuing to work with after you
19 terminated your relationship with --

20 A Uh-huh.

21 Q That's correct?

22 A Yes.

23 Q Thank you, okay. So after that attempt in
24 D.C., can you tell me what came next in your
25 employment history?

1 A I, I don't recall exactly, but I remember,
2 you know, relocating back to California, and I was
3 doing digital marketing for a, a, basically, like
4 products for instance like , it's, like, like, diet,
5 muscle, things like that on the, on the internet. So
6 I was, basically I was working with a guy named, Hamik
7 Akhverdyan and his company.

8 Q Can you spell that name for us or
9 approximately.

10 A I, I just remember the company actually.

11 Q Oh, sure.

12 A It's called Big Dream Media.

13 Q Big Dream Media?

14 A Correct. And with Big Dream Media, I was
15 doing a lot of Facebook advertising. We did a lot of,
16 like native ads, which are like Google AdSense and
17 things like that.

18 Q Uh-huh.

19 A So that's, you know, I, I wanted to gain
20 experience with that, because I had been previously
21 doing television and things like that. So I wanted to
22 gain experience with that and I was able to. So, you
23 know, for, for that employment history, I was working
24 with him --

25 Q Uh-huh.

1 A -- to up to that point, so.

2 Q And were you working, pardon me, were you
3 working directly for this company or were you still
4 working, self-employed and working as a contractor
5 consultant.

6 A I was a, like a contractor consultant with
7 him.

8 Q Okay. And still under your, your company --

9 A Correct.

10 Q -- was being paid?

11 A Yes, correct, yeah.

12 Q Okay. So that, you said, was approximately
13 in 2015?

14 A Correct. Yeah, 2015, yes.

15 Q Okay. So what came next?

16 A So then in, you know, 2016, obviously, you
17 know, there, there was the presidential race. So, you
18 know, with the experience that I had and because I was
19 doing, like the digital stuff, you know, I wanted to,
20 you know, basically get into that realm. And since I
21 didn't have, like experience creating or like dealing
22 with the admin, administration stuff of the PAC, you
23 know, I wanted to potentially see about, you know,
24 gaining some of that experience. So that's when I,
25 you know, decided to, you know, collaborate and

1 network to, to be able to try to like, you know, see
2 what was out there, so --

3 Q And in what way did you do that?

4 A Well, first I reached out to Robert Reyes,
5 who was -- he's been a friend of mine, and he actually
6 had experience in the call center business, things
7 like that, he also had merchant account experience and
8 things like that. So, you know, just working with
9 him. Yeah, we, we basically just, I said, hey, you
10 know, we can do something with the political business.
11 I don't know what yet, but we can do something, so.

12 Q And what did you end up doing?

13 A So I, yeah, so I, I wanted to gain
14 experience again working with the PACs, okay?

15 Q Uh-huh.

16 A And I reached out to Kyle Davies and I asked
17 him, you know, hey, there's the, you know, we can, is
18 there anybody that has, like views or something and
19 wants to get involved in, maybe like be a Director of
20 a PAC or something like that. And then, he said,
21 yeah, I have this guy named, you know, Joey Cammer
22 (phonetic). He's a very a strong Trump supporter.

23 Q Uh-huh.

24 A And I said, okay, great. You know, so I, I
25 met him and basically, like I started the, the Liberty

1 Action Group. I had, like helped him out and from the
2 experience that I learned from, you know, working
3 with, you know, the PAC and things like that, I went
4 to the FEC website and I looked up the, the rules and
5 everything. And, and basically, you know, the only
6 requirement was that we needed like a treasurer. So,
7 you know, I started to, you know, go out and find
8 recommendations for like FEC accountants and things
9 like that. And, and, and, you know, basically, said,
10 you know, all the information is here to, to, you
11 know, start, start an organization and really, we just
12 need to, like execute and things like that. So, but I
13 looked at the, you know, the laws for the FEC and it
14 said, you know, the only requirement and I also got
15 counsel from my, the accountant and other attorneys
16 and they said the only requirement was that there was
17 needed to be, like and FEC treasurer and that the
18 filings had to take place and on time. So, to my
19 knowledge, that was all that, all that was necessary,
20 so.

21 Q All that was necessary to do what?

22 A To, to, like start one of these, to start
23 one of these PAC, so.

24 Q So what it sounds like and correct me if I'm
25 wrong, it sounds like you were interested in getting

1 involved in the PAC space?

2 A Correct.

3 Q And so you were looking to open a PAC, to
4 start a PAC?

5 A Right. But the way it was explained to me
6 was, you know, there needed to be, like a Director
7 who, you know, obviously supported the candidate and
8 also I have a, you know, I would say, just like
9 anybody, have a moral obligation to make sure that,
10 you know, whoever wants to start the PAC, actually,
11 you know, morally supports the candidate and things
12 like that, so.

13 Q Uh-huh.

14 A And, you know, Joey was one of those
15 persons.

16 Q Okay. So, so what was your role in starting
17 that PAC exactly? I'm just, I've heard you saying you
18 were, were looking for experience in that area. But
19 how would you describe your role with respect to that
20 Liberty Action Group, I believe you said?

21 A Yeah. I was, I had, I had had the
22 experience with, you know, with, I guess, my role was,
23 I was like a media buyer and doing the, the political
24 advertising would be my, like role. So and then, I
25 was, I was going provide recommendations and things

1 like that, because, you know, just because somebody is
2 a director doesn't necessarily mean that they're, they
3 have all the pieces that they, you know, if, if they
4 want to support a candidate and augment their voice,
5 it doesn't mean that, you know, they don't need, like
6 direction as well and, like recommendations and things
7 like that, so.

8 Q And, and you mentioned that you, you
9 contacted Kyle Davies. Can you explain why you
10 reached out to him when you were looking to start the
11 Liberty Action Group?

12 A Yeah. The, the, one of the FEC requirements
13 is to have the, you know, if checks do come in, that
14 the name and address needs to be collected. So I
15 definitely knew that was, like, a requirement, so --

16 Q Uh-huh.

17 A -- Kyle, you know, seemed like an ideal
18 candidate who could handle that kind of thing.

19 Q And so if he's a, was an ideal candidate to
20 handle this sort of record keeping aspect, why did you
21 contact him with respect to, to finding someone to be
22 the director at the time?

23 A Oh, he, he, he was in the Austin area and a
24 lot of people in the Austin area are very, like,
25 politically active.

1 Q Uh-huh.

2 A So, it was, like a realistic, you know,
3 guess to think that, like he would, he would be
4 helpful. So I, I actually, like tried to reach out to
5 other people. I don't remember who exactly, but I was
6 definitely, you know, working to, to try to do
7 something, so.

8 Q And how do you know Mr. Davies?

9 A He's my cousin.

10 Q Okay. And did you know Mr. Cammer before
11 Mr. Davies recommended him to you?

12 A No, I did not.

13 Q Okay. So I think I understand that this was
14 in the 2016 time period.

15 A Correct.

16 Q And correct me if I'm wrong, but you were
17 interested in starting a PAC and getting involved in
18 that space. You reached out to Mr. Davies, who
19 recommended Mr. Cammer to you --

20 A Right.

21 Q -- and that's how you got your director for
22 Liberty Action Group?

23 A Correct.

24 Q Okay. You also mentioned Mr. Robert Reyes.
25 How do you know him?

1 A He's a friend.

2 Q Sure. For how long have you known him?

3 A Since, since I moved to California. So,
4 maybe, like 2006, 2007.

5 Q And can you clarify his role a little bit
6 with respect to Liberty Action Group?

7 A Yeah. He is like a consultant. He's really
8 good with, like operations, so, like very organized,
9 you know, very on top of things and he was just
10 basically kind of like, you know, managing and
11 organizing things, making sure that, you know, the
12 accountant, there was going to be communication and
13 that, you know, the, the, you know, the director had,
14 like access to, you know, be able to have a FEC
15 account and things like that, so.

16 Q Okay. And were you two, Mr. Reyes and
17 yourself, working for the same company at that time?

18 A No, he, he had his own company.

19 Q Okay. Do you recall the name of that
20 company?

21 A Modern Media Group.

22 Q Okay. And at that time, were you working
23 for anyone or, or in your individual capacity or for
24 your own company?

25 A I was working for my own company.

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1 Q Okay. And do you recall the name of that
2 company?

3 A Yes, one was Supreme Dream Media.

4 Q Supreme Dream Media?

5 A Uh-huh. The other was Matte Media
6 Corrections.

7 Q And neither of those were the company that
8 you, your own company that you were working for
9 before, is that correct, when you were working for Mr.
10 McDonald.

11 A Correct.

12 Q Okay.

13 A Right.

14 Q So this -- do you know how many corporations
15 you've operated under over the course of your career?

16 A No, I have not. No, I do not. I don't know
17 the exact number.

18 Q Sure. We would appreciate it if you could
19 just sort of give us a list. If you could go back
20 through your records and just every, everybody that
21 you, every company that you've worked for, for
22 yourself --

23 A That's fine.

24 Q -- that would be --

25 A I can provide that.

1 Q Excellent, okay. So that's in 2016 that you
2 get involved with Liberty Action Group. What came
3 next?

4 A Well, that's, oh, in 2017?

5 Q And simultaneously.

6 A Okay. Yeah, so 2017 I was doing, like,
7 after the election, basically I made a pivot to doing,
8 like a mobile app development, because --

9 Q Uh-huh.

10 A -- that was kind of like what I've been
11 wanting to do. I always wanted to, you know, get into
12 the engineering aspect. So I was doing mobile app
13 development.

14 Q Okay. And what kind of mobile app
15 development were you working on?

16 A One was called Bid Rush. It was kind of like
17 a -- yeah, one was called Bid Rush.

18 Q Go ahead and you were about to explain.

19 A Yeah, it's, it's basically kind of like a,
20 like a Tophatter or like eBay, kind of like a retail
21 app so.

22 Q Okay. And was there anything else you were
23 working on during 2016?

24 A During 2016? Besides Progressive
25 Priorities?

1 Q That would be --

2 A Okay, yes --

3 Q -- what we would --

4 A Yes, I, I was working on that as well.

5 Q Okay. And was that around the same time
6 period as Liberty Action Group or?

7 A It started a little bit later. I would say
8 maybe in, like from March to May. I, I actually don't
9 know the exact date on when I, you know, it was
10 started, but --

11 Q Okay. So you said around the spring of --

12 A Correct.

13 Q -- 2016?

14 A Uh-huh.

15 Q And what was your role with respect to
16 Progressive Priorities PAC?

17 A Yeah. So I was, I was, basically getting,
18 like, kind of like the media buyer for that and I, I
19 helped with like political advertisements and stuff,
20 so.

21 Q And, and was your role with Progressive
22 Priorities similar to your role with Liberty Action
23 Group where you were --

24 A Correct. And, just for the record too, you
25 know, I, previously, like I had worked with Justice

1 For All.

2 Q Uh-huh.

3 A Who was a, was a Democratic, it was either a
4 501(c)(4) like a, like a super PAC, I forgot which
5 one. But it was with Marquita De Jesus (phonetic).
6 And, you know, I was, I would, I, you know, gave her
7 recommendations on like starting that and things like
8 that. So it, it wasn't out of the realm to, you know,
9 have both clients, like Democrat and Republican, as
10 long as like, you know, like, the, for, for me at
11 least, like, being a media buyer, there really wasn't,
12 like a conflict of interest, because I was just
13 basically providing, you know, services, so --

14 Q And when was that work with Justice For All?

15 A I, I, yeah, so I want to go back and correct
16 it. I believe --

17 Q Sure.

18 A -- I, I actually wasn't paid necessarily,
19 but I did, like, help her, you know, start that. I, I
20 believe that was back in 2012.

21 Q Okay.

22 A Yeah.

23 Q And did that continue? Was it just 2012 or
24 did that last, did that engagement continue?

25 A It, it fizzled out, I would say, yeah, in

1 like 2012, 2013, I mean, I still, I, I only remember
2 keeping in contact with her, you know, as, as somebody
3 in the industry.

4 Q Uh-huh.

5 A But I don't recall doing, you know, day to
6 day Justice For All stuff.

7 Q Okay. And, and so your role and correct me
8 if I'm wrong, with that, that organization was helping
9 this individual start her own PAC and get that
10 rolling, is that correct?

11 A Right, yeah. Yeah, exactly.

12 Q And, and why -- what got you into that
13 business of sort of advising clients on, on starting
14 PACs?

15 A You know, the law was so new, I mean, it
16 was, like 2010 that law came out. So, you know,
17 people, nobody really knew about it. So I was kind of
18 the ones who was working with the original, kind of
19 like the people who were really big in the space. You
20 know, I worked with, when I was working with Adam
21 McDonald, I worked with Dan Backer (phonetic), not, I
22 indirectly worked with him --

23 Q Okay.

24 A -- and he had, like a, just a slew of
25 clients, you know, who were, you know, wanted kind of

1 like this direct response style, you know, political
2 advertising, so.

3 Q And what law are you referring to when you
4 say the law was so new?

5 A I believe it's Citizens United versus
6 Supreme Court, I'm not sure, Citizens United versus
7 FEC.

8 Q Sure. And so, can you clarify sort of what
9 was, was new that your, your clients were trying to
10 sort of capitalize on in that, in that space at that
11 time?

12 A The, the super PACs, just, you know, the new
13 law, understanding, you know, what exactly was, you
14 know, that money constitutes free speech, kind of
15 things like that, so --

16 Q And how did you get the experience to sort
17 of advise in this role of starting PACs? Where did
18 you, you come into that ability to advise clients on
19 that from?

20 A From, from working with Adam McDonald and,
21 and, you know, those clients, so.

22 Q Okay. We'll come back --

23 A And vendors (phonetic).

24 Q -- and discuss the priorities in a minute,
25 but I want to make sure we, we're complete. So you

1 mentioned the, the app start up business.

2 A Right.

3 Q Was there anything that came after that or
4 is that ongoing?

5 A That is, I mean, I, like, I still have the
6 apps and things like that. I can, you know, I just, I
7 just wanted to go back to school. Basically, you
8 know, we were trying to get funding for the apps, you
9 know, with venture capital, but, you know, the venture
10 capitalists, they want, they want to make sure that
11 you're either, you know, an expert in your field or
12 that you have success like selling a previous
13 business, things like that. And I just decided, you
14 know, with, with the Pell Grant, it was probably best
15 that I go back and, like finish my degree, which is
16 actually what I'm doing.

17 Q Okay.

18 A So right now, I'm studying to be a software
19 engineer.

20 Q Sure.

21 A And I also wanted to take a break from just
22 the instability of this whole ordeal for, you know,
23 ten years, you know, become a software engineer and
24 then, you know, maybe have like a stable income,
25 things like that. And then, also have that expertise

1 to possibly if I wanted to go back and get funding
2 for, you know, an app and, you know, do things like
3 that, so.

4 Q Okay. And so, now you are in school.

5 A Right.

6 Q When did you go back to school?

7 A I went back to school last year.

8 Q Okay. So that was in 2018?

9 A 2018, correct.

10 Q Okay. And so --

11 A 2017, yeah.

12 Q -- in that 2017 period until you went back
13 to school, were you doing anything else? Was there
14 any other employment history going on at that time?

15 A Any other employment history? No, not to my
16 knowledge, no.

17 Q And other than the app, are you employed
18 currently?

19 A I have my own business, yes.

20 Q What does that business do?

21 A Well, right now, I have the PAC like, it's,
22 like a, yeah, it's basically, it's called United
23 Advocates Group. And that's, that's like the business
24 that I have. But I'm actually, like I was, I have the
25 PAC Support American Leaders and I'm actually, like

1 paid out by that PAC.

2 Q Okay.

3 A So I thought, you know, it would probably be
4 best if I just, you know, have this PAC and, and stop
5 trying to, you know, delegate out to everybody and
6 just, you know, basically, you know, have the PAC and,
7 you know, file, things like that, so.

8 Q So Support American Leaders is your PAC?

9 A Correct.

10 Q Okay. And you mentioned another
11 organization at the same time. Was that United
12 Advocates?

13 A Yeah. United Advocates Group is, just a,
14 like a business that I have, but I haven't actually,
15 like technically been, like, paid out by it so.

16 Q Okay. So with Support American Leaders,
17 what's your role with that PAC?

18 A I am the director, like that's, yeah.

19 Q Are you the treasurer of that PAC?

20 A I am, too, yes.

21 Q Okay. Is there anyone else involved in that
22 PAC of yours?

23 A I have a designated agent. Her name is
24 Amber Vaughn or Amber Gormley so --

25 Q Okay.

1 A -- and basically, from this whole ordeal,
2 you know, with my attorney and Amber, I've been able
3 to really get things organized and, you know,
4 understand the laws versus just kind of, you know, my
5 attorney said this, this accountant said this, kind of
6 thing.

7 Q So can you just describe some of her duties
8 and your duties?

9 A So she is a -- she does all the filings, and
10 I am the one who does the political advertisements and
11 make sure that, you know, there's compliance that says
12 "paid for" things like that.

13 Q Does she prepare the filings?

14 A Yes, she does.

15 Q Okay. But -- and you are the treasurer of
16 the organization?

17 A Correct. So she, she, she does the filings
18 and I, yeah, but I, I basically have my name on the
19 PAC so.

20 Q And who's responsible for the fundraising
21 for that PAC?

22 A I do the fundraising.

23 Q Okay. And can you tell us anymore about
24 sort of how the PAC fundraises?

25 A We do, right now, we do voice broadcasts.

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1 So, they're, like, you know, basically political
2 messages.

3 Q Are those in the form of robocalls
4 generally?

5 A Yes.

6 Q Okay. Is there any other way that you do
7 fundraising, any other advertisements or?

8 A Not right now.

9 Q Okay. Have there been any other PACs that
10 you've worked with, other than those we've discussed,
11 Liberty Action Group, Progressive Priorities, Support
12 American Leaders, Justice For All?

13 A When I worked for Adam McDonald, I, I can,
14 I, I did work with, okay. So there, the, the news
15 article about this whole Conservative Majority, you
16 know, that, that came out. So I actually, I, I
17 remember working, that was, like, Adam's client, but
18 I, I remember like working with that, because Dan
19 Backer had, like a bunch of them, like that he worked
20 with. Also, Maureen Otis, I don't know if you know
21 her, but she had, like a bunch of, bunch of them as
22 well. So just kind of that whole, you know, space.

23 Q So my understanding that when you worked
24 with Mr. McDonald you worked with a number of PACs --

25 A Correct.

1 Q -- through that engagement?

2 A Correct.

3 Q But you were not yourself directly engaged
4 with those PACs?

5 A Correct.

6 Q Okay, understood. Jin, do you have anything
7 else that you'd like to ask clarifying questions on?

8 BY JIN LEE:

9 Q So besides political action committees,
10 PACs, have you worked with any other political
11 organization that you haven't mentioned?

12 A Justice For All, it's called Silence The
13 Violence was another one that, you know, Marquita
14 started. So those were, those were the majority. Are
15 you talking about indirectly, like working?

16 Q No, I mean, directly working.

17 A Directly working without Adam was Justice
18 For All and Silence The Violence, then Liberty Action
19 and Progressive Priorities, those were the ones that I
20 had direct advise -- kind of advising recommendations
21 with on, like, you know, but, you know, the PACs that
22 Adam was dealing with, you know, revolved around Dan
23 Backer. So those were, like the Faith and Freedom
24 PAC, you know, Conservative Majority. There was, I
25 forgot the one I mentioned originally. But yes, there

1 were, there were some of those PACs. I can, I can
2 provide those for you if needed.

3 MR. LAWYER: That's awhile back, so --

4 THE WITNESS: It was awhile back, but I
5 might not remember everything -

6 BY MS. LEE:

7 Q And what type of specific services did you
8 provide to those PACs?

9 A To which ones?

10 Q Well, to the ones that, when you were
11 working with Adam McDonald.

12 A Uh-huh.

13 Q What kind of specific services did you
14 provide?

15 A Direct response, and we did TV, radio, voice
16 broadcast, so those are the main ones. Basically, we,
17 we did a lot of, like offline media. We also did a
18 little bit of online, but like our, our thing was,
19 like, you know, we were like really good at, like TV,
20 So TV and radio.

21 BY MS. DI GIOVANNI: So that's, and that's
22 basically your purpose on the team?

23 THE WITNESS: Right.

24 BY MS. LEE:

25 Q And what types of ads were they? Were they

1 issue ads or campaign ads or?

2 A Yeah, they were, we kind of infused, like
3 infomercial and, like the political ad together. So
4 we, we had messages that were really like, very call
5 to action style. You know, we were kind of the first
6 to, to create this hole where the politician's, like
7 talking directly to the camera. So it was, like, call
8 right now, I need you to, you know, call and pledge
9 your support, so we can get, you know, X, X amount of
10 things done or whatever, you know, pass, this bill
11 passed in August. So yeah, that was kind of our
12 forte.

13 Q So the candidates would be involved in these
14 advertisements?

15 A Not necessarily candidates, but we would
16 have, they would be PACs that are supporting the
17 candidates. So it would be, you know, kind of a
18 mixture of, like the candidate speaking and then,
19 also, you know, the call to action at the very end,
20 where it's, like, you know, call right now to, to, you
21 know, pledge that you'll, that you will go out and
22 vote for this candidate kind of thing.

23 Q So these ads, did they ask for money or did
24 they do anything --

25 A They were --

1 Q -- anything else?

2 A Yeah, so once we, once they called in, they
3 would call a tollfree number and then, that would go
4 to like the, we have, like an IVR and the IVR is, like
5 a, a, a it would say, like, thank you so much for
6 calling and, you know, helping support elect, you
7 know, Trump for instance. You know, he needs our help
8 more than ever, you know, to, to defeat him it's going
9 to take, you know, millions of people to get out and
10 vote, you know, and to do this, we need your support.

11 Can you help us, you know, with leaving a modest
12 contribution, if you can, press one and, you know,
13 about, like, 20 percent of those people would like
14 press one and that would be transferred to the call
15 center and then, they would take the call that's,
16 like, you know, hey, can you help us donate kind of
17 thing.

18 Q So --

19 A Does that make sense?

20 Q Right. So you did that for Adam McDonald?

21 A Right.

22 Q So can you give me an example of a PAC that,
23 you know, for which you did that type of work?

24 A The Heritage Foundation.

25 Q Heritage? Okay.

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1 A Faith and Freedom, I, I mean, I don't have
2 my laptop, but I think you, you guys know the one I'm
3 talking about, you know, Conservative Majority for
4 sure we did them, because that was like InfoCision's,
5 like, you know, InfoCision was working with
6 Conservative Majority, so I remember that one. I
7 think that's, I, you know, I don't remember others,
8 but yeah.

9 Q Okay. So if the candidate is, is talking to
10 the viewer, you would, how did you get that type of
11 footage?

12 A That was whitehouse.gov. So it's allowed,
13 yeah or it's from the, it was from like CNN or like a,
14 a source where - a free source.

15 Q So you would just get some footage through
16 the internet? Is that what you're saying?

17 A Well, like the, the one that we had, would
18 be, like, for instance, like if, well, actually we
19 did, we, we did have original content as well. And
20 actually to, to remember, because this is jogging my
21 memory. So, you know, like a, I remember doing stuff
22 for, like Mike Huckabee. So we actually did one where
23 Mike Huckabee was, like speaking it. So yeah and
24 actually I think it was called Restore America's
25 Voice, like --

1 Q That was, that was the political committee?

2 A Yeah, yeah, yeah. So Restore America's
3 Voice was, like, you know, I think a paid Mike
4 Huckabee to get on camera and then, Mike Huckabee
5 would get on camera and say, hey, you know, I think he
6 did, like, oh, another one that I did was the Fair
7 Tax. This is kind of like coming back to me now. So
8 yeah, Mike Hu -- so, so we did do candidates, but we
9 also had, you know, video footage of like a candidate
10 speaking, like for instance, you know, the one in 2016
11 we did for the Liberty Action Group. We had, you
12 know, Trump's, Trump's speaking at his, his primary
13 or, like, I think it was some conference that he had,
14 but it was, it was available, it was free. I, I even
15 called the FEC, and I asked my attorney if we could
16 use this, he said, yeah, it's fine so.

17 Q Okay. So now, we're going to turn and talk
18 a little bit more about Progressive Priorities.

19 A Okay.

20 Q So starting at the beginning. Can you just
21 tell me what Progressive Priorities PAC is?

22 A Yeah. So Progressive Priorities PAC was,
23 you know, a Democratic PAC I believe that supported
24 candidates, they wanted, she wanted to support and she
25 meaning, Alexa Roth, wanted to support, you know,

1 Hillary, so, Hillary Clinton.

2 Q Okay. So was the purpose of the PAC to
3 support Hillary Clinton's election?

4 A Yes.

5 Q Okay.

6 A Or, correct, yes, yes.

7 Q Okay. And how did Progressive Priorities
8 accomplish that purpose?

9 A They did voice broadcasts and I'm not sure,
10 but because I, I don't have record, but I think we
11 might have done, like one or two spots on the radio,
12 but I'm not sure. I'm not entirely certain.

13 Q Do you know if there were any mailers?

14 A I think they sent out. I think the mailers
15 was sent. Kyle Davies he, he handled a lot of like
16 the mail. So, you know, he, he, he would enter in
17 the, the data for the checks that came in. So yeah,
18 there might have been mail that went out.

19 Q Okay. And you mentioned there may be radio
20 ads. Were there any television advertisements?

21 A No, we, we didn't get to that level, no.

22 Q Sure. And anything else that you might not
23 have mentioned that --

24 A No, that was it.

25 Q Okay. What, can you tell me about how

1 Progressive Priorities started? We've discussed that
2 a little, but if you could tell me a little bit more
3 about that.

4 A Yeah. So Kyle, I don't know how the
5 conversation went exactly, but Kyle said that, you
6 know, Alexa was like a, you know, Democratic and he
7 was, Alexa was like his girlfriend and that, you know,
8 you know, she, she might want to be like a director
9 kind of thing of like a PAC. So that's kind of how it
10 started. And I made sure that, you know, when, she
11 actually did support Hillary, I even, like went and I
12 spoke with her. We met, you know, one night for
13 dinner. And we, I remember having a political
14 conversation with her about, you know, her views and
15 things like that. So she definitely was, like very
16 pro woman, and you know, and wanted to support
17 Hillary, so.

18 Q Okay. And when did that conversation that
19 you recall take place?

20 A In 2016, you know, I --

21 Q All right.

22 A -- don't know exactly when, but --

23 Q Early, late, Spring, Fall?

24 A Spring I would say.

25 Q Okay. We are going to use a document that

1 you may recognize. Can you identify this document for
2 me?

3 A This is the Interrogatory, I believe, it's
4 called, that I presented to Justine Di Giovanni
5 (The document referred to was marked for
6 identification as Agency's Exhibit No. 2)

7 Q And --

8 A -- or the subpoena.

9 Q Got it. And did you draft this document?

10 A Yes, I did.

11 Q Okay. And can you attest for us that, that
12 to the best of your knowledge what's in this document
13 is accurate?

14 A I can attest that, to the best of my
15 knowledge, what is in this document is accurate.

16 Q Okay. We are going to look at your response
17 to question one here. And then, we'll just walk
18 through these individuals that you've listed and --

19 A Okay.

20 Q -- and get some more information about them.
21 So you just brought up Alexa Roth.

22 A Correct.

23 Q What have you labeled her as here in your
24 answer?

25 A I said representative, but, you know, she

1 would, she was kind of more or less like the director.

2 She was like the, the face of the organization if you
3 want to say, you know, I mean, they, they were her
4 views, you know, the political advertising that we
5 did, augmented, like her views, so that, yeah.

6 Q Sure. And was starting Progressive
7 Priorities, was that her idea or someone else's idea?

8 A That was, we, we, we told her about the PAC.
9 The, the, the PAC concept and she said that she
10 wanted to do it so.

11 Q Okay. And by we, do you mean yourself and
12 Kyle Davies?

13 A Yes, because that's how I, that's the
14 connection between myself and Alexa.

15 Q Understand. And so she was involved with
16 the PAC from the beginning in early 2016 --

17 A Correct.

18 Q Is that correct? And when did she cease her
19 involvement with the PAC?

20 A Yeah, so interesting story. One of the
21 things that I definitely was not prepared was the
22 media scrutiny. I, I, you know, did the political
23 advertising, so I never really understood the, the
24 whole admin, you know, side of, you know, what's the
25 difference between, you know, filing and, like just

1 the media scrutiny that came along with it, because
2 everything's public, you know?

3 So Alexa was contacted by a, a representative, I
4 think at the time he worked for BuzzFeed. His name
5 was, like Andrew Kay or something. And he, he was
6 basically just trying to gather information, red meat,
7 you know, as people call it, to, to just dig up a
8 story. I believe that's how it happened. But he
9 actually reached out to Alexa, either he found her
10 phone number or some way. And, you know, I don't know
11 how, how the conversation went, but I know after he
12 spoke with her, she was very, like, like insistent on,
13 like stopping the PAC. She didn't want anything to do
14 with it, you know, things like that. So very
15 reactionary.

16 Q And when do you think that that happened
17 that you can remember?

18 A I think it was, I mean, it was definitely
19 between, like March and October.

20 Q Okay. So maybe the summer of 2016?

21 A Right.

22 Q Okay. Let's, okay. And, and while Alexa
23 worked for the PAC, what were her responsibilities?
24 You mentioned that she wanted to start it, but what
25 did she actually do for the PAC?

1 A Well, I mean, they were her views, like, you
2 know, her political views. So she didn't exactly
3 have, like day to day operations, but she, you know,
4 we were, we, Kyle was in contact with her and things
5 like that. So to answer your question, she didn't
6 really have like day to day specific assignments,
7 because we, we, since it was so, like nascent, the
8 whole operation, we didn't really have like, you know,
9 policies and procedures and things like that.

10 Q So you, you mentioned a CNN article.

11 A Right.

12 Q Do you know approximately when that might
13 have come out?

14 A I know it was in 2016. I don't --

15 Q Okay --

16 A -- know the exact dates.

17 Q Okay.

18 A But I do remember it, because it was a very
19 exciting time --

20 Q Yes.

21 A -- to say the least so.

22 Q Certainly true, okay. And we may come back
23 to that, but we'll move on for, for now. You then
24 listed Michelle Sotelo.

25 A Correct.

1 Q What did you label her as here?

2 A Yeah, she was a representative. So she was,
3 you know, I made sure that, you know, if Alexa was
4 going to leave, then at least somebody that had her
5 same views and wanted to support the candidate stayed
6 synonymous. So, you know, Kyle told me that, you know,
7 Michelle, you know, was very pro woman, wanted to
8 support this candidate, you know, things like that.
9 Understood, you know, this is a PAC. It's a political
10 organization, things like that.

11 Q And can you help me understand a little bit
12 more when she got involved with the PAC and why?

13 A I, I believe she got involved, like in the
14 summer, once Alexa, Alexa, you know, was no longer,
15 like the representative. So yeah, she got involved
16 and actually from the email correspondence that I sent
17 you, I noticed that there was a Monique Moyers
18 (phonetic) --

19 Q Uh-huh.

20 A -- and that was, that was, that was Kyle's
21 like new girlfriend, now his, like, wife, I believe.
22 And Michelle was friends with Monique. So I think
23 they just had some networking kind of thing and then
24 it was, like, hey, you know, Michelle would be
25 interested and kind of, you know, she, like, you know,

1 we told her, you know, about the election, things like
2 that and, you know, yeah, she believes in this
3 candidate. She wants to support, yada, yada.

4 Q And who approached Michelle about getting
5 involved in the PAC?

6 A I believe it was, I, I'm, I'm not for
7 certain, but it was either Kyle or Monique, it could
8 have been either. I'm not sure exactly.

9 Q Okay. And it was in, they did that with the
10 purpose of replacing Alexa as the director of the PAC,
11 is that correct?

12 A Correct, correct.

13 Q Okay. And so once she came on board, did
14 she have responsibilities similar to Alexa's in that -
15 -

16 A Correct.

17 Q -- not very hands on?

18 A Correct. Yeah, exactly.

19 Q Okay. And when did she stop being involved
20 in the PAC?

21 A Yeah, so I, from, from what I gathered, all
22 the information from, you know, Kyle, things like
23 that. Kyle had told me that the reason why she wanted
24 to leave is because she was, she had got engaged and
25 she, she was going to move to California and she

1 didn't want to have this kind of, like responsibility,
2 slash you know, yeah -- this, she didn't want to have
3 this responsibility of, like, working with the PAC.
4 She just kind of wanted to move on with her new life
5 with her husband, and you know, close things out so.

6 Q Okay. And while she was engaged with the
7 PAC, would you say that she was sort of actively
8 participating in it, in its running and its
9 involvement. Was she in contact with you or Mr.
10 Davies?

11 A She was in contact with Monique. So I, I, I
12 believe she was in contact with Kyle Davies indirectly
13 through Monique. I'm not really sure how they
14 communicated or --

15 Q Uh-huh.

16 A -- you know, the, but I, yeah, there was,
17 there was some communication. That was, like the line
18 of communication at least.

19 Q So keep Exhibit 2 for the moment, but I
20 would like to, to show you something else at the same
21 time. So this is Exhibit 3. Can you identify this
22 document for me?

23 A This is the Articles of Incorporation; this
24 is the Article of Incorporation slash I think
25 Operating Agreement for Delaware.

1 (The document referred to was marked for
2 identification as Agency's Exhibit No. 3)

3 Q And did you produce this document to the
4 FEC?

5 A Yes, I did.

6 Q Okay. So can you tell us a little bit about
7 this document? How it came into your possession for
8 instance?

9 A Kyle Davies had forwarded me this
10 information from these (phonetic), yep, like, like
11 these documents came from the email that Kyle Davies
12 sent me.

13 Q Okay. And so, this document isn't signed.
14 Do you know if --

15 A Right. So with Delaware, basically, they,
16 they, like, if you go on, like incnow.com, some of
17 these websites, they send you like a, like a document
18 like this. And once you go to the bank, then the bank
19 will have you typically sign, like off on this so.

20 Q So is there a signed copy of this document
21 in, in existence?

22 A I believe so. It would be, I mean, the bank
23 would have them sign this, typically.

24 Q Okay. Do you have a copy that's signed?

25 A I do not.

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1 Q Okay. And what does this document indicate
2 regarding Michelle Sotelo?

3 A It indicates that she is the president,
4 treasurer, and secretary of, of this particular LLC.

5 Q Were you involved in preparing this document
6 at all?

7 A I provided, I, I've worked with IncNow, but
8 I, I don't recall, like, actually, like changing this
9 or anything. But this document came from IncNow.

10 Q Okay.

11 A Which is what I use for like a lot of the,
12 you know, creating the PACs and things like that.

13 Q Sure. And do you know why Michelle would
14 have been the president and treasurer and secretary of
15 the PAC, as well as its director?

16 A That's just the way that, in Delaware that
17 you're allowed to set it up. So you can in, in
18 Delaware, you're allowed to be the president,
19 treasurer and secretary. It's not like other states
20 where, you know, there's more than one person that is
21 required to, to start or, or be on as one of these
22 LLCs.

23 Q Okay. And, and were other people, you know,
24 you, you've mentioned that you and Kyle Davies and
25 Monique Moyers were all working for the PAC. Was --

1 we'll walk through, is there any reason why, why no
2 one else was sort of named to these positions within
3 the, the company?

4 A Honestly, the, the simplicity of just the
5 fact that you could go online and, and, you know, have
6 assurance that, you know, you, you could get an LLC
7 and keep it very simple. You know, and the fact that
8 we didn't have, we had limited resources. It didn't
9 really align itself to, you know, created a, a very,
10 it, yeah, a very, like complicated formal document
11 like that, that listed out all of the policies and
12 procedures and, and duties.

13 It was just, just the timeframe and time urgency
14 of, you know, the political atmosphere. We, we, you
15 know, we wanted to make sure that A, there was a LLC
16 that, you know, it was registered with FEC, which we
17 did so on the website. And that we had an FEC
18 accountant who could do the filings. Those were kind
19 of the main objectives that we were trying to
20 accomplish so.

21 Q And you mentioned that you believe that
22 there is a signed copy of this document, that's
23 correct? I'm just confirming.

24 A I, I do believe so.

25 Q Okay? Did Michelle fill any other roles

1 with respect to the PAC specifically? This is, I see,
2 the LLC, but there's also the, the entity we know as,
3 as the PAC. Did she have any other responsibilities
4 other than as directed?

5 A No. That, that was primarily her objective
6 --

7 Q Okay.

8 A -- these two, yeah, yes.

9 Q I'll take back Exhibit 3 now. And do you
10 know if Michelle was paid by the PAC?

11 A Yeah, she was. From the information that I
12 gathered from Kyle Davies, he paid her out through a
13 PayPal, you know, in hindsight, it would, it would
14 probably be best to, you know, have, you know,
15 everybody on, like ADT or like a payroll, something
16 like that, but, you know, just, yes, yes, so to answer
17 your question.

18 Q Do you know how much she was paid?

19 A I do not have the exact answer on that.

20 Q Do you have sort of an estimate?

21 A I, I think it was anywhere from, like \$0 to
22 \$1,000 maybe a month.

23 Q Okay.

24 A So --

25 Q And was that for the duration of her

1 engagement with the PAC do you think?

2 A Yes, correct.

3 Q And to be, just to, to make sure I'm
4 understanding. That was probably for, so from when
5 Alexa stopped being the director to, when did she just
6 move to California?

7 A I believe, I believe the PAC closed down
8 sometime in October of 2016, right around that time.
9 I'm not sure.

10 Q Okay.

11 A Yeah, give or take.

12 Q Okay. Let's, let's go back to Exhibit 2 and
13 we'll keep walking through these individuals.

14 A Okay.

15 Q Oh an since you, you spoke with us about
16 Michelle being paid. Was Alexa also paid when she was
17 engaged with the PAC?

18 A I believe so. She was paid.

19 Q Around the same amount or different?

20 A Yeah, it was \$0 to \$1,000.

21 Q And how did you determine how much Alexa and
22 Alex would be paid?

23 A We, actually that's, I, I don't know the
24 answer to that question. I, we just had, like a
25 reasonable, you know, just reasonably, like how much a

1 director should get paid. I mean, yeah, I mean, like
2 a, like typically somebody who's not really paying,
3 like having a, a fulltime role in, in something, you
4 know, make like, I think that would be more or less
5 like, like a reasonable amount, yeah.

6 Q Was it hourly or was it based on how much
7 the PAC brought in? I'm just wondering --

8 A It was just, I think it was like a fixed
9 amount.

10 Q A fixed amount?

11 A Uh-huh.

12 Q Okay. And when you say, 'we', who, who are
13 you talking about, we as in?

14 A Like, Rob, myself, Kyle, even like her, you
15 know, because when we talked to her we asked her, you
16 know, like, I don't actually know. I don't know if we
17 asked her, but there was some communication with her
18 to decide like what is a, a fair amount, I would say.
19 So yes, yeah.

20 Q Okay and, okay. So we'll, we'll continue
21 down these folks now. So looking back at your answer,
22 you also list Henok Tedla.

23 A Correct.

24 Q Can you tell me what he's labeled as here?

25 A Yeah. So Henok is the, the guy that, you

1 know, we, we thought would be really good at doing all
2 these PACs. And he, yes, he is, he, he was the
3 treasurer for Progressive Priorities.

4 Q And so that's accurate?

5 A Yes, it's accurate.

6 Q Okay. Did he do anything else for the PAC?

7 A He was, no, he was just the treasurer.

8 Q And when did he become involved in the PAC?

9 A From inception, I believe.

10 Q Okay. And how did he become involved? Can
11 you tell me, walk me through that?

12 A Well, you know, I was aware of requirements
13 that, you know, an FEC accountant is -- oh, well, an
14 accountant is necessary to do the filings, but not
15 just any accountant, like it's very complicated and
16 convoluted. So, like, I've, I can attest to like
17 looking at it and seeing that it's very complicated.
18 And so you really need somebody with FEC experience,
19 filing experience I should say. So he, he, Rob, I
20 believe, Reyes was in charge of finding somebody. And
21 he found, you know, Henok and Henok had the experience
22 to file with the FEC report. So that's how he was
23 found.

24 Q At what, so was he found in connection with
25 Progressive Priorities or with Liberty Action Group?

1 A Oh, yes. I'm sorry, with, with Liberty
2 Action Group.

3 Q Okay.

4 A Yes.

5 Q So that was, likely in, do you know
6 approximately the timeframe when he came onboard with
7 Liberty Action?

8 A From, from the start. Yeah, from the start.

9 Q Oh, so when it began?

10 A Correct, yeah.

11 Q Okay. And how did Mr. Reyes know that, that
12 Mr. Tedla had FEC accountant's experience?

13 A Rob Reyes told, had, had told me that, you
14 know, Henok said he had FE -- experience filing, FEC
15 filing, I mean, that was --

16 Q Okay.

17 A -- the gist, yes.

18 Q Okay. So you said he was, he was engaged
19 from the PAC inception, both Liberty Action and
20 Progressive Priorities, is that correct?

21 A Correct.

22 Q And when did he stop being involved with the
23 PAC?

24 A Yeah, so he, he, I believe, he sent an email
25 to Rob or there was communication there that, you

1 know, Henok said, hey, look, I, and, you know, this,
2 this is again, like a gist, like you were saying.
3 But, hey, I'm kind of a new accountant, you know, this
4 is public record. There's a lot of news stories
5 coming out. A lot of media scrutiny. I just don't
6 feel comfortable, you know, having my name as, as
7 treasurer, you know, with, with all this, you know, I,
8 I think he was trying to build his business, things
9 like that. So he just didn't want to open himself up
10 to a lot of media scrutiny, which is kind of
11 synonymous with, you know, doing these PACs, as I, as
12 I found out through experience.

13 Q And do you recall when he would have sent
14 that email?

15 A I'm not sure, but I, I believe I provided
16 to, to, to you guys. When he said he was, like a
17 treasurer, but I actually don't have the email
18 correspondence that, from that conversation. I just,
19 I'm just recalling this.

20 Q Sure.

21 A So --

22 Q So is he still involved with the PAC or --

23 A No, he's not.

24 Q He's not?

25 A No longer.

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1 Q Okay. So sometime in, do you think 2016,
2 2017, he --

3 A It was mid, maybe Summer, Spring, Summer,
4 like Fall, like, you know, he would, he, at that time,
5 yeah, he, he stopped. I'm not sure of the exact date,
6 exact date.

7 Q But Spring, Summer and Fall of 2016?

8 A 2016, correct, yeah.

9 Q Okay. So next on this document, you list
10 yourself. Can you tell me how you describe yourself
11 on this?

12 A Yes. So I, I took over for Progressive
13 Priorities, because I was contacted by yourself and,
14 you know, you'd said the, the filings were outstanding
15 and late and that we needed to, you know, bring some
16 closure on these. So and get these rectified. So
17 that's why I'm the treasurer, because I reached out to
18 other people. I reached out to Alexa, Michelle,
19 everybody else. Nobody wanted anything to do with it.

20 So morally, I felt obligated to, you know, restore,
21 you know, and, and do these FEC filings. So that's
22 why I listed myself as the treasurer, yes. And then,
23 I was an agent at, in, an agent before, I, I guess I
24 was doing consulting and political advertising, media
25 buying so.

1 Q And you were involved in, in, as you said
2 previously, starting the PAC, is that correct?

3 A Correct, yeah. The, helping to advise on
4 formation, things like that.

5 Q Okay. And so while the PAC was, was still
6 operating in 2016, that consultant in the media
7 buying, was that your only role with the PAC?

8 A Can you repeat the question or rephrase it?

9 Q Sure. You said that now, you have taken
10 over as treasurer in the PAC --

11 A Uh-huh.

12 Q -- once you spoken with me and that is in
13 2019, is that correct?

14 A Correct.

15 Q So back in 2016, when the PAC was still
16 actively working with respect to the election.

17 A Uh-huh.

18 Q Can you tell me about -- was your role
19 solely that media buying consultant role or did you do
20 anything else for the PAC or could you elaborate on
21 your role?

22 A As I said previously, I, I helped advise on,
23 you know, form, forming the PAC that an FEC accountant
24 or somebody with the FEC experience for filing was
25 necessary. So I actually, yeah, so I, I would say

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1 that classifies or qualifies as consulting. So to
2 answer your question, yes, that's my role.

3 Q Okay. And you've spoken a little bit about
4 the founding the PAC. Was, I thought you said once,
5 but clarify for me, was the idea of the PAC sort of
6 your idea, yours and Rob's, Robert Reyes? Is that
7 correct?

8 A I don't want to say it's, it was fully my
9 idea, but there was some interest from Kyle and then,
10 some interest from Alexa, you know, saying that, you
11 know, she could do this or, you know, she, you know,
12 she's interested in supporting and things like that.
13 So there was some general interest from there, that
14 might have, like solidified, you know, starting this
15 PAC. It's just kind of the nature, as you know, of
16 these things starting towards organization so.

17 Q Sure. And that's a good segue to talk a
18 little bit about Kyle as well.

19 A Okay.

20 Q Can you describe for me how you listed him
21 here?

22 A Yes. So Kyle Davies was an agent who,
23 basically, was kind of the office clerk who would
24 handle the, you know, receiving the mail. He also
25 worked with some vendors. He had direct, you know, he

1 had contact with Alexa and Michelle and Monique. So,
2 yes.

3 Q And you mentioned he's your cousin, that's
4 correct, right?

5 A Correct, correct.

6 Q And so he was, is it correct that he was
7 involved with the PAC from the beginning, as well?

8 A Yes, he was.

9 Q So, okay. Did he ever cease his involvement
10 with the PAC?

11 A Yeah. At the very end, after the election
12 was over, I mean, it was kind of understood that, you
13 know, the, the race is over. So, you know, his role
14 is basically, you know, doesn't, doesn't, there's no
15 more role for him to play.

16 Q Okay. And do you happen to have up to date
17 contract information for him?

18 A I, I have his phone number, but yeah.

19 Q Yeah, that's fine.

20 A Okay.

21 Q We can also do it after and a mailing
22 address would be great, just sort of --

23 A Okay.

24 Q -- contact information for Mr. Davies would
25 be --

1 A Okay.

2 Q -- very helpful.

3 A Sure.

4 Q Okay. So, so just to, to clarify. So Kyle

5 was, was the PAC's connection to Alexa --

6 A Uh-huh.

7 Q -- through Monique, also to Michelle Sotelo.

8 A Uh-huh.

9 Q And to Monique, because he's now, was dating

10 and is now married to Monique.

11 A Right.

12 Q Is that All correct?

13 A That's correct.

14 Q Okay. And so you, Monique Moyers, who is

15 now, Mr. Davies wife --

16 A Uh-huh.

17 Q Can you tell me what her role was at the PAC

18 as you listed it here?

19 A And, I also want to clarify, I'm not sure --

20 Q Sure.

21 A -- they're actually married or if it's, like

22 a fiancé, but like they're, okay?

23 Q Understood. That, that --

24 A Okay.

25 Q -- that's fine.

1 A Can you repeat the question, please?

2 Q Absolutely. Can you identify for me how you
3 labeled Ms. Moyers here?

4 A Yes. So I labeled her as an agent,
5 basically, somebody that's involved in, you know, was
6 involved in, you know, finding Michelle and then,
7 clerical assistant. I think, you know, like, as you
8 can see from the emails that I provided, she kind of
9 was, like forwarding things back and forth. So she
10 had some, like role there as well, so some
11 communication.

12 Q Okay. So, so her role was assisting Mr.
13 Davies with --

14 A Right.

15 Q -- his role in the PAC?

16 A Right.

17 Q And was she paid by the PAC for that
18 service?

19 A I don't, I don't believe so, but --

20 Q Okay.

21 A -- I also, yeah, I'm not sure.

22 Q And it, was it correct, as you said that,
23 that Monique knew Alexa and recommended her for the
24 PAC or was it just Michelle that Monique --

25 A Just Michelle, because yeah, like Alexa,

1 actually, when Alexa left, too --

2 Q Uh-huh.

3 A Yeah, when Alexa left, her and Davies broke
4 up. So then, you know, she, Davies got with, yeah,
5 okay.

6 Q Understood.

7 A Okay, thank you.

8 Q That's the, the complicated --

9 A Thank you for sparing me that.

10 Q -- relationships.

11 A Yes.

12 Q No, of course. So, so Mr. Davies was
13 involved with, with Alexa and subsequently, after
14 Alexa left the PAC, he became involved with Monique.

15 A Correct.

16 Q Understood.

17 A Thank you for that.

18 Q Sure. I've got it. I think that's all we
19 need with Exhibit 2. So I can take that back from
20 you, as well.

21 A Okay.

22 Q Keep my piles in order, don't want to get
23 disorganized. I want to introduce another document to
24 you. This is Exhibit 4. And this, can you identify
25 this document for me?

1 A This is a document showing the Statement of
2 Organization and Articles Incorporation, I believe.

3 (The document referred to was marked for
4 identification as Agency's Exhibit No. 4)

5 Q And --

6 A The formation --

7 Q Sure. And how did you get this document in
8 your possession?

9 A I believe I received it from Kyle Davies or
10 -- yes.

11 Q Okay. And can you identify for me to whom
12 this document is addressed?

13 A To Alexa Roth.

14 Q Okay, and what's the date on the document?

15 A April 28, 2016.

16 Q Okay. I don't have much to ask about this,
17 but one of the questions we have is do you know why
18 the PAC and why they chose to incorporate as a LLC as
19 opposed to a, a different corporate structure?

20 A I'm not certain, but I, I do remember the
21 structure of the corp -- the structure of the company
22 not being as important as making sure that it's
23 registered with the FEC.

24 Q Okay. And were you involved in sort of
25 getting these documents prepared?

1 A I believe I had some involvement, yes. I'm
2 not sure exactly what involvement. I didn't go to the
3 bank with Alexa Roth, for instance, but I, yes, I
4 might have had some, some involvement. I, I, I
5 definitely recommended, like IncNow, so as a company
6 to, to start this.

7 Q And do you recall how you were familiar with
8 IncNow?

9 A I just, I, I found them.

10 MR. LAWYER: Online.

11 THE WITNESS: Online, online.

12 BY MS. DI GIOVANNI:

13 Q You found them online?

14 A Correct.

15 MS. DI GIOVANNI: Okay. Do you have any
16 questions you want to ask at this juncture (phonetic)?

17 BY MS. LEE:

18 Q So you said that you weren't with Alexa
19 when, when she went to the bank with this document.

20 A Correct.

21 Q Can you explain why she needed this document
22 when she was going to the bank?

23 A These are just required documents for
24 creating a, creating a bank account, so --

25 Q And right, okay. So was Alexa in charge of

1 the bank account --

2 A She had the signer access, yes.

3 MR. LEE: All right.

4 BY MS. DI GIOVANNI:

5 Q So if her signer access is as the director,
6 what do you mean signer access? How often was she,
7 was she accessing the PAC's funds? You know, what
8 was, what did that responsibility entail?

9 A She, she created the bank account and then,
10 provided, like online access to, you know, the parties
11 that were involved, so like Kyle Davies for, like,
12 yeah and she also had access as well.

13 Q So did she keep responsibility over the
14 account after she left the PAC?

15 A No, she -- did she keep responsibility --

16 Q Yeah, did she, was she --

17 A Can you rephrase the question?

18 Q -- still the designated, have that signing
19 authority for the bank account for the PAC after she
20 left the PAC?

21 MR. LAWYER: Excuse me one second.

22 MS. DI GIOVANNI: Absolutely.

23 THE WITNESS: Yeah, so Alexa she started a
24 bank account at, I believe it was Wells Fargo.

25 MS. DI GIOVANNI: Okay.

1 THE WITNESS: And then, when she, you know,
2 wanted to terminate her, you know, her involvement.
3 She closed down that account and then, Michelle opened
4 another account at Chase.

5 MS. DI GIOVANNI: Okay, okay, that makes
6 sense.

7 BY MS. LEE:

8 Q And so, Alexa was the only one who had
9 signing authority for that Wells Fargo account?

10 A Correct. I believe there were users that
11 were added as well. So, you know, there, there could
12 be access so.

13 Q So who were the users?

14 A Rob Reyes, I believe Rob Reyes and Kyle
15 Davies, yes.

16 Q Were you one of the users as well?

17 A I actually was, was not.

18 Q Okay. So you never --

19 A Because I, I communicated through Rob Reyes.

20 Q Okay --

21 A We, we just had kind of like a delegation.

22 Q So you never had access to the bank account?

23 A No, I didn't.

24 MS. DI GIOVANNI: Okay, okay, I'll take that
25 back from you there. It's nice to keep a good clean

1 workspace, so we're not getting all confused.

2 MR. LAWYER: I think that was one of the
3 hardships he had with retrieving the bank information,
4 because he wasn't designated.

5 THE WITNESS: I'm not a signer.

6 MR. LAWYER: So there's two particular banks
7 and accounts.

8 MS. DI GIOVANNI: So is that, that's
9 correct, Mr. Tunstall that you had some difficulty
10 with the bank records?

11 THE WITNESS: Correct. I, I actually went
12 to Wells Fargo and Chase and they said, since you
13 weren't a signer on the bank account, we can't give
14 you the previous --

15 MR. LAWYER: Right.

16 THE WITNESS: -- bank statements.

17 MR. LAWYER: Right.

18 BY MS. DI GIOVANNI:

19 Q Okay. And, and you went to those accounts
20 where, did you go to local branches or?

21 A I did. I went to, like in Plano, Dallas, I,
22 the exact city was Plano.

23 Q Sure, okay. Now, this is Exhibit 5. I'm
24 going to hand over that to you. Okay, so do you
25 recognize this document?

1 A Yes. This is the statement of Organization
2 FEC Form 1. Yes, I do recognize this.

3 (The document referred to was marked for
4 identification as Agency's Exhibit No. 5)

5 Q And this is for Progressive Priorities PAC?

6 A That's, that is correct.

7 Q Okay. At the bottom of the first page, can
8 you tell me the date of this document?

9 A 5/11/2016.

10 Q Okay. And can you identify the treasurer
11 for me?

12 A Henok Tedla.

13 Q Okay. And we're going to turn to page
14 three. Can you identify for me, it's going to be
15 about halfway down the page, she's listed as
16 Progressive Priorities Custodian of Record?

17 A Alexa Roth.

18 Q Okay. And on the next page, it's designated
19 agent, at the top of the page.

20 A Yes.

21 Q Can you tell me who that is?

22 A Alexa Roth.

23 Q Thank you. And, as far as you're aware, at
24 the time it was filed, was this document accurate?

25 A Yes, I mean, this was filed by Henok, I

1 believe, it was Henok Tedla.

2 Q Sure. And looking at, halfway down that
3 last page, so it's the back of the document for you.
4 Can you read for me what the bank is?

5 A The bank is Chase Bank.

6 Q And can you, I believe you just said a
7 moment ago, that originally the account was opened at
8 Wells Fargo and then, Michelle opened the account at
9 Chase.

10 A Yeah, I'd like to recant that statement.
11 It, it was Chase. There was a bank account, I, yeah,
12 I misspoke. It was not Wells Fargo, Chase.

13 Q Okay.

14 A Yeah.

15 Q Okay.

16 A It was a bank, yes.

17 Q Got it.

18 A Actually Chase.

19 Q Okay. And do you know --

20 A Right.

21 Q So you, you said that, that Henok Tedla
22 prepared this report, is that correct?

23 A Correct, yes.

24 Q So he actually drafted it and filed it with
25 the FEC?

1 A He filed it, I believe, because his email
2 was here and yes. Yeah, I remember that was, that was
3 one of his --

4 Q You said his email is here. Can you point
5 to me where you're seeing that?

6 A Under the Committee's email address, it says
7 Henok@accesscpa.com.

8 Q Got it, okay, okay. And, and you said he
9 filed it. Do you believe that he also prepared this
10 document?

11 A Yes, he, he prepared this document.

12 Q Okay.

13 A Because, personally, I did not prepare this
14 document.

15 Q Okay. That's all I had about this. I'll
16 take it back, thank you. Now, this is Exhibit 6. And
17 can you identify this document for me? I might have
18 given you two copies of that one. Yes, thank you.

19 A This is the Statement of Organization FEC
20 Form 1 for Progressive Priorities PAC.

21 (The document referred to was marked for
22 identification as Agency's Exhibit No. 6)

23 Q Okay. And at the bottom of the first page,
24 the first page here, can you tell me the date of this
25 document?

1 A September 23, 2016.

2 Q Okay. And can you identify the treasurer
3 listed there on that first page?

4 A Yes, Alexa Roth.

5 Q Okay. And does it say Alexa Roth?

6 A Yes.

7 Q Is the first name Alexa?

8 A Oh, I'm sorry, Alex Roth, sure, yep. Sorry.

9 Q And then on page 3, like before, can you
10 identify for me who's listed as the Custodian of
11 Records? Halfway down on the third page.

12 A On the third page where --

13 Q Yes.

14 A Yes, Alexa Roth.

15 Q And then, on the last page, the full name of
16 the designated agent at the top of the page.

17 A Alexa Roth.

18 Q Thank you. And then, this document also
19 lists Chase Bank, is that correct?

20 A Correct.

21 Q Okay. As far as you're aware, was this
22 document accurate at the time it was filed?

23 A Yes.

24 Q Do you know at all why the treasurer changed
25 between the first document, which was filed in May and

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1 this document in September?

2 A Yes. I believe he did it to take his name
3 off of the, the PAC, because, because of the media
4 scrutiny or there's some, there was some occurrence.

5 MR. LAWYER: Onwards (phonetic), that's when
6 he didn't want to be affiliated in any --

7 THE WITNESS: He didn't want to be
8 affiliate, yes, so.

9 MS. DI GIOVANNI: Okay.

10 MR. LAWYER: That's the reason --

11 BY MS. DIGIOVANNI:

12 Q Okay. Thank you, and, and do you know who
13 prepared this report?

14 A Henok must, must have prepared this.

15 Q Okay.

16 A I did, I did not personally prepare this.

17 Q Okay. So you, you believe that Henok would
18 have prepared it?

19 A Yes. He was in charge of, of this, so --

20 Q Okay. But you did not personally file it
21 and you do not have personal knowledge that he filed
22 it?

23 A Right. I, that's correct.

24 Q Okay. Thank you for confirming that. I'll
25 take that back from you. This is Exhibit 7. And can

1 you identify this document for me?

2 A FEC Form 1 Statement of Organization.

3 (The document referred to was marked for
4 identification as Agency's Exhibit No. 7)

5 Q And for Progressive Priorities PAC, is that
6 correct?

7 A For Progressive Priorities PAC, yes.

8 Q Okay. And at the bottom of the first page,
9 can you tell me the date of this document?

10 A 12/1/2016.

11 Q Okay. And can you identify the treasurer
12 here?

13 A Michelle Sotelo.

14 Q Okay. And then, do you know why the
15 treasurer would have changed again at this point, at
16 the end of 2016?

17 A I'm not, I'm not certain on, like when these
18 forms were exactly filed and the dates. I just
19 remember the actual events, so --

20 Q So --

21 A -- I'm not sure why that would be the case.

22 Q Okay. And then on page three, can you
23 identify the Custodian of Record for me?

24 A Michelle Sotelo.

25 Q Sure. And then, on the last page halfway

1 down, can you identify the bank account for me?

2 A Chase Bank.

3 Q Okay. And as far as you're aware, was this
4 accurate at the time it was filed?

5 A Yes.

6 Q Okay. And do you know who prepared this
7 document?

8 A I wasn't in charge of the preparations at
9 this point for, for Progressive Priorities, but it,
10 it, Henok would have been, Henok was the person who
11 was doing the filing.

12 Q And he was in charge of the filing even in
13 December after he said he did not want to be the
14 treasurer anymore?

15 A I'm not sure. I can't attest to this date.
16 I don't know, like when it was submitted or but I,
17 during that time period, Henok Tedla was the, the, the
18 accountant, so --

19 Q Okay, understood. All right, I'll take that
20 back from you. Now, I'll introduce Exhibit 8. One
21 for you and you. Can you identify this document for
22 me?

23 A Yes, this is a document I sent to Justine di
24 Giovanni that shows correspondence with, with Henok
25 Tedla and Graham, sent from Graham Wilson, a reply.

1 (The document referred to was marked for
2 identification as Agency's Exhibit No. 8)

3 Q Okay. And if you could take a moment to
4 review the email and the attached letter. I'll let
5 you have a second to refresh your memory.

6 A Okay.

7 Q Okay? Do you recall why Graham Wilson at
8 Perkins Coie would have sent this letter to
9 Progressive Priorities PAC?

10 A Yeah, I, I believe he was not okay with, I,
11 I guess, the cease and desist letters are sent by
12 candidates a lot of times to, even if you're totally
13 compliant, they'll still send to you to kind of deter
14 PACs from trying to raise money or speak up. So I
15 believe that's why this was sent.

16 Q And do you know with respect to what he, he
17 was not okay and, and --

18 A Yeah, a lot of people just don't like the,
19 the robocalls. So that might have been what this was
20 in relation to.

21 Q And do you know who, who he represented?

22 A It says, I believe it said in the email,
23 like Hillary Clinton.

24 Q Okay. Now, looking at the email chain that
25 you sent me --

1 A Yeah, Hillary for America.

2 Q Got it, thank you. So the email you sent me
3 at the bottom of the first page, can you confirm for
4 me in this cc -- here at the To: line --
5 Matt.mediateam@gmail.com. Is that your email address?

6 A Yes. I, I don't have access to that email
7 or I, I have access to it, but basically, the storage
8 was full, full and when the storage is from Google,
9 you can't send or receive emails and I just, like I
10 deleted those emails, so --

11 Q Do you know when you deleted those emails?

12 A I deleted them, I deleted some back, like
13 during this, this time period. And I went back and I,
14 I didn't have any emails at all, so in there.

15 MS. LEE: So when you say this time period,
16 you're saying you deleted them in July 2016? Is that
17 what you're saying?

18 THE WITNESS: I --

19 MS. LEE: What do you --

20 THE WITNESS: -- deleted, I've, I've deleted
21 some, like, like in the past, but I, I, like, didn't,
22 I deleted the emails. I never had, okay, so this is,
23 I'm cc'd on this, right?

24 MS. DI GIOVANNI: Uh-huh.

25 THE WITNESS: I don't have access to this.

1 That's why Rob had to forward it to me, to my email,
2 premiummediateam@gmail.com, because I don't have
3 these, because they were deleted. That one was
4 deleted. So that's why Rob forwarded it to me, so I
5 have the email.

6 BY MS. DI GIOVANNI:

7 Q Is that actually what that email, this email
8 indicates? I'm looking at the chain and I see in 2016
9 that Mr. Reyes forwarded it to you. But then, the
10 next email I see is from you, at a different email
11 address forwarding it to your counsel. So did you
12 have access to matt.mediateam@gmail.com, perhaps
13 through your PremiumMedia team account?

14 A In 2016, I had access. I, I still have
15 access, I just can't send any emails and those emails
16 are, like deleted, even the Google drive, like some of
17 the stuff on there was, like, deleted so.

18 Q So how did you obtain this email now?

19 A Rob Reyes forwarded it to me. So, like all
20 the emails that I needed when I was requesting
21 information. I had Rob send those emails to me and
22 then Kyle as well. So, I can provide you those for
23 you, the documentation for you.

24 Q So turning the page, on page 2, here. To the
25 best of your knowledge, do you see the line from Tedla

1 where it says, "I have no involvement on the program
2 area of the PAC."

3 A Which --

4 Q Just the actual emails, to page 2 of the -

5 A Yes, okay.

6 Q Yes. So it's the email beginning, "Hi
7 Wilson" and then, on the next line down --

8 A Uh-huh.

9 Q -- it says, "I have no involvement on the
10 program area of the PAC." Do you see that?

11 A Yes.

12 Q To the best of your knowledge, what did you
13 understand Tedla mean when he said that?

14 A That he doesn't, he's not involved in like
15 the political advertisements of Progressive
16 Priorities.

17 Q Okay. And why were you copied on this
18 email?

19 A Rob typically would, like copy me on emails.
20 I don't know. He just cc'd me or --

21 Q Rather -- actually, you're right. No, Reyes
22 forwarded it to you, that's correct.

23 A Yes.

24 Q So why was -- rather than -- why was Reyes
25 copied on this?

1 A He worked with Henok.

2 Q Directly?

3 A Correct.

4 Q So, so Reyes was sort of the one person who
5 communicated --

6 A Correct.

7 Q -- with Tedla?

8 A Yes, that's correct.

9 Q Thank you. All right, I'll take that back
10 from you.

11 MS. LEE: Do you know what, if anything,
12 Progressive Priorities PAC did in response to this
13 letter?

14 THE WITNESS: Yes, nothing was done.

15 BY MS. LEE:

16 Q Did you have discussions about this letter
17 with anybody at Progressive Priorities?

18 A Yes.

19 Q Okay.

20 A We had reached, I, I, personally, reached
21 out to counsel before, you know, pertaining to cease
22 and desist letters and they, they advised me that as
23 long as the requirements are met by the FEC for
24 reporting the "paid for by" and the compliancy, that,
25 you know, these type of letters most of the times were

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1 kind of like scare tactics.

2 MS. DI GIOVANNI: Now, I'll take that from
3 you.

4 BY MS. LEE:

5 Q So just to close the loop. So after you got
6 this letter, you continued to do your advertisements?

7 A That is, we, I believe I checked the
8 advertisements and then, we, we continued, yes.

9 MS. LEE: Okay.

10 BY MS. DI GIOVANNI:

11 Q And then, this is going to be Exhibit 9 and
12 here you go. And can you identify this document for
13 me?

14 A Okay. I don't know who, when he's saying we
15 will submit the amendment, I'm not sure who that is,
16 but yes. I'm looking at this document.

17 Q Can you identify what it is for me?

18 A This is a document that Rob sent to Henok,
19 basically saying that we all have to clarify the
20 roles, myself included as not director of contact for
21 the PAC, but an outside consultant. I believe, no, I,
22 I, I honestly can't speculate, but this might have
23 been in relation to who exactly, you know, is the
24 point of contact for the media to, to contact, whether
25 or not it's Henok or somebody else, because a lot of

1 times people, the media, will always look at the
2 treasurer, because that's public record to contact the
3 PAC.

4 (The document referred to was marked for
5 identification as Agency's Exhibit No. 9)

6 Q If you could just take it a little slower.
7 Can you read aloud for me the email from Mr. Tedla
8 from Sunday, September 18th, beginning "Hi Rob"?

9 A "Henok, everyone is in accordance with that,
10 we all have" --

11 Q Oh, no, the, the email from Mr. Tedla below,
12 saying, that begins, "Hi Rob".

13 A Oh, okay.

14 Q Just read it aloud for me.

15 A "Hi Rob, after carefully reviewing the PAC
16 treasurer responsibilities, I don't think that my
17 contract fits to perform the responsibility of the
18 treasurer. I am hired to maintain the books of the
19 PAC, and that's all I do. I have no control of the
20 rest of the PAC activities. Please submit an
21 amendment and remove my name as a treasurer of the
22 PAC."

23 Q Okay. And then, can you read Mr. Reyes's
24 response, which was at the top of the page, which you
25 started reading before?

1 A Okay. "Everyone is in accordance with that.
2 We all have to clarify roles, myself included, not as
3 director of contract for the PAC, but outside
4 consultant. We all know your role within the PAC as
5 the accountant. We will submit the amendment."

6 Q And to confirm, there in the top line, the
7 To: line, matt.mediateam@gmail.com, that is your email
8 address, correct?

9 A This was sent to me. Yes, that's, that was
10 my email at the time, yes.

11 Q Sure. So, Robert Reyes here appears to
12 confirm that Tedla wasn't Progressive Priorities
13 treasurer, at least as that role is defined by the
14 FEC. Was that accurate?

15 A Can you repeat or rephrase the question?

16 Q Sure. So --

17 A I'm, I'm just not familiar with this piece
18 of, you know, information.

19 Q Sure. So here at, in this document at the
20 top of the page, where he writes, everyone is in
21 accordance with that, in response to Tedla's email
22 saying that he is not the treasurer. Mr. Reyes
23 appears to confirm that that's correct. Do you
24 believe that to have been accurate?

25 A Can you repeat the one, the question one

1 more time. I, I'm --

2 Q Sure. I'll come back to it in a second.

3 A Okay.

4 Q Do you recall receiving this email?

5 A No, I don't remember at all receiving this
6 email.

7 Q Do you remember having any conversations
8 about roles within the PAC with anyone, Mr. Reyes or -
9 -

10 A Yes --

11 Q -- Mr. Tedla?

12 A -- I do, yes.

13 Q Can you tell me about those conversations?

14 A Yes. So I don't, I don't think that Henok
15 and from the previous piece as well, I don't think
16 Henok was comfortable, you know, being the, being the
17 person that was receiving all of the "heat" or, like
18 media scrutiny. I think he wanted to, you know,
19 potentially, just be the accountant and, and that was
20 it. He didn't want to necessarily, you know, have to
21 also have this other facet of this business that was,
22 like, you know, conflict, you know, management of,
23 like media and things like that, so and public
24 relations, so yes, to answer your question.

25 MS. DI GIOVANNI: Okay. Just a moment.

1 BY MS. LEE:

2 Q And just one question, so in this email, Mr.
3 Henok copies the treasurer's responsibility, I believe
4 from some FEC literature. It says treasurer's
5 responsibility, registering the committee and he says
6 that he was not hired to assume these
7 responsibilities. Is that, is that a fair, a fair and
8 accurate description of this email?

9 A Yeah, I, I mean, okay. The, he wasn't in
10 charge of making sure the deposits were received
11 within ten days of receipt. He wasn't responsible of
12 that, but he was responsible for ma-- submitting the
13 filings.

14 Q So is it your testimony that you actually
15 had a conversation with him about --

16 A No, I never did, but just, in general, I
17 wouldn't, I don't think that would be expected of him
18 to, for, for that particularly. Because he wouldn't,
19 he, it wasn't his daily duty to go in the bank account
20 and make sure that, like the deposits came from the
21 merchant account, you know --

22 Q Right, but in terms of the filing of the
23 Statement of Organizations and filing the reports, was
24 that, did you ever have a discussion with him, before
25 he took the job that this was his responsibility?

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1 A The Statement of Organization, he wouldn't
2 have been responsible for that, any, any, like company
3 documents pertaining to that, but he, from what I
4 recollect, like he would have, he's, he would have
5 been responsible for things like making sure, you
6 know, the filings were done.

7 Q Did you ever have a conversation with him
8 about that?

9 A I never did, no. I, I, I, I didn't have any
10 communication, I mean, I had communication, but it
11 was, it was indirectly with Henok through Rob.
12 Basically, Rob would always relay information to me.

13 Q Was it your understanding that he, he was
14 also, because he was the treasurer, he was -- he had
15 to authorize all committee expenditures?

16 MR. LAWYER: Just for the record, I don't
17 think any of these people were given a "job
18 description." I think they -- it was vague as to
19 their duties --

20 MS. LEE: Okay.

21 MR. LAWYER: I mean, with each person, so
22 there was not anything formal given out saying here's
23 your job description, here's your job description.

24 MS. ANDRADE: Is that your testimony, Mr.
25 Tunstall?

1 THE WITNESS: The one requirement that I was
2 aware of was that somebody had to be a treasurer,
3 whether that and, and, I, I wanted to make sure it was
4 somebody that actually had knowledge of, of FEC
5 filings and things like that. So Henok had that
6 experience. He, he, you know, he had the accounting
7 firm. So that was, that was the only requirement that
8 I knew. I, I, I wasn't aware of these specific
9 responsibilities that, that are on this email.

10 BY MS. DI GIOVANNI:

11 Q Okay. So having read this email and had
12 this conversation. Do you recall anything further
13 about Mr. Tedla's responsibilities, with respect to
14 the PAC's FEC filings?

15 A Can you repeat the question?

16 Q Sure. So, so based on this conversation,
17 you know, sometimes looking at emails like this, like
18 we did, we were talking about your employment history
19 before --

20 Q Uh-huh.

21 Q -- and things will jog your memory. Do you
22 recall anything further about Mr. Tedla's role, with
23 respect to the FEC filings. You've stated that he was
24 in charge of those things, but do you recall any
25 communications about that? Any documentation that

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1 might exist showing that that's what his
2 responsibilities were with the PAC?

3 A I don't, I don't, I, yeah, I wouldn't, I
4 wouldn't have that documentation or I don't recall
5 having that documentation.

6 Q Sure. And I imagine you've given this
7 answer, but can you confirm for me why this email was
8 not included with the documents you produced to us?

9 A Those emails were deleted and, to free up
10 space, because the Dropbox would only allow or the,
11 the Gmail would only allow 10 gigabytes of space and,
12 like we were doing video productions. So we had like
13 120 gigs or something, you know, in there. So I
14 couldn't, I couldn't even like, I tried to actually
15 log in there and, like send you the emails. But like,
16 there was, there was, like, no emails and, like, there
17 was also, like, the issue of space and so, like, I
18 could actually, I, I could put in my testimony that I
19 was able to log in to the email, but I just wasn't
20 able to, like, forward anything.

21 Q So understanding what you, what you've said
22 here. For the record, I would like to reiterate that
23 our subpoena requests all communications that are in
24 your possession that relate to Progressive Priorities
25 and this email does indicate to me that we haven't

1 received all the communications that exist. So will
2 you agree that, to the best of your ability, you will
3 systematically go back and attempt to discover any
4 emails and communications that you haven't yet
5 produced to us and then, get those to us?

6 A Yes, I can. But I, I don't have, I don't
7 have any of these emails, which is why I reached out
8 to Rob to, to retrieve some of the information. Also,
9 I reach, reached out to Kyle Davies and you can see
10 the dates on those emails, like I, I couldn't even,
11 like, send out from that account.

12 Q Sure. And something else, you mentioned
13 that you couldn't forward emails, but are you able to
14 print emails from that account?

15 A I, I tried, but, I mean, I guess, I could
16 try, but there's I, I think, to answer your question,
17 I think there's a way to print them, but for me to
18 gather evidence for you, it was easier for me to just
19 get them from Rob and Kyle, because they both have
20 their emails for, for this stuff.

21 Q When you go back and, and do look again for
22 us, anything that perhaps we haven't received, if
23 you're able, even if it's just a screenshot, that
24 would be okay, as well. But we would like to see
25 anything that you, you can get your hands on.

1 A Okay.

2 MS. DI GIOVANNI: Okay. So I will take that
3 back from you. Thank you.

4 THE WITNESS: I also reached out to Henok
5 and I, I asked him if he had any records, as well and
6 he said, I think I sent you that email, but he said,
7 no, he doesn't have anything.

8 BY MS. DI GIOVANNI:

9 Q So this going to be Exhibit 10. And can you
10 identify this document for me?

11 A Progressive Priorities PAC. This is the
12 form, the FEC Form 3X, Report Of Receipts And
13 Disbursements.

14 (The document referred to was marked for
15 identification as Agency's Exhibit No. 10)

16 Q Okay. And if you look under box 4, it can,
17 will tell you the type of the report. Can you read
18 for me what it is?

19 A It's the April 15th Quarterly Report.

20 Q Okay. So at the bottom of page one, can you
21 read for me the date?

22 A 5/1/2017.

23 Q And who is listed as the treasurer there?

24 A Henok Tedla.

25 Q Okay. And so having looked at the email we

1 just discussed, do you know why Mr. Tedla might have
2 signed a report that listed him as treasurer of the
3 PAC about eight months after he requested to be
4 removed?

5 A I don't know; I don't know who filed this.

6 Q Okay.

7 A I don't know who filed this. I, I, no, I
8 don't have the answer to that question.

9 Q Okay, okay. I can take that back from you,
10 thank you.

11 A Yeah, I also don't recall that. It's been,
12 like three years or whatever.

13 Q Sure, memories fade.

14 MS. LEE: I just, can we just go off the
15 record for a second?

16 (Whereupon, a short recess was taken.)

17 MS. DI GIOVANNI: Okay. Well, we're back.
18 Thank you for your patience, that's very kind.

19 BY MS. DI GIOVANNI:

20 Q So now, we're going to move on, we've been
21 doing some sort of general discussions. We're going
22 to get a little, a little bit more specific now. But
23 first, I have some background questions, you know,
24 about the, the operations of the PAC. You know, as a,
25 as an organization, the PAC raised money and spent

1 money. Can you walk me through clearly, each of the
2 individuals who were involved in that process and
3 their responsibilities. And I'll ask clarifying
4 questions, if necessary.

5 A Okay. So I, I was in charge of the
6 political advertisements and media buying. Rob had
7 some role in that, as well. And Kyle Davies was kind
8 of the person who handled the operations and things
9 like that, like, I'm sorry, like the, the day, like he
10 was the, he was in the office, getting the mail. If
11 we had to, one time I think we had to send out, like
12 a, you know, best efforts to collect name and address.

13 So he was doing, like some of that, through like
14 stamps.com, so.

15 Q Okay. So let's, let's break that down a
16 little bit further. So who was involved in producing
17 the PAC's fundraising materials?

18 A I, I was involved in some of that, yes.

19 Q Okay. And in what capacity were you
20 involved in that?

21 A I believe I sent a voice broadcast message.
22 So I handled some of the, the message creation.

23 Q Okay. So, so you, is it correct that you
24 were involved in, in actually sort of drafting the,
25 the messaging that went out from Progressive

1 Priorities?

2 A Yes.

3 Q Okay. And what other responsibilities did
4 you have with respect to fundraising?

5 A I believe, I mean, I think that was, I had
6 other general roles, like I had to obviously
7 communicate with other people, but like, that was kind
8 of, you know, the, the main, my main role was, like
9 doing that and then also, like, you know, making sure,
10 like the, the calls get sent out and then, yeah, like,
11 yeah.

12 Q And how did you make sure the calls got sent
13 out?

14 A I, well, I just, they have like a platform
15 that you just, like log into.

16 Q Who are they?

17 A There was a company called Smartcall.

18 Q Okay.

19 A And that's the, that's the service I used to
20 send out these political advertisements.

21 Q Okay. So you would draft these political
22 advertisements, like the Robocall --

23 A Correct.

24 Q -- we were discussing just then. They were
25 in charge of distributing it, is --

1 A Yes.

2 Q -- that correct?

3 A Yes.

4 Q Okay.

5 A It was a platform, yeah.

6 Q Sure. And then, when donations would come

7 in, in response, contributions rather from, as a

8 result of those fundraising efforts. Who was in

9 charge of receiving those donations, contributions.

10 A Yeah, I think the call center. I'm not

11 really sure what, I forgot the name. Yeah, I, I don't

12 recall the name, but I believe the, the girl's name

13 was, like Jackie --

14 Q And --

15 A -- it was the call center. But Rob would

16 main, mainly handle like the call center stuff.

17 Q Sorry, for whom did Jackie work?

18 A I don't know the call center's name.

19 Q Sure, so --

20 A I can look it up, if you need me to.

21 Q Are you referring to a vendor that was --

22 A It was a vendor, yes.

23 Q -- used? Okay.

24 A Yes, so the call center would take the

25 calls.

1 Q So Jackie was your contact at this vendor?

2 A Yes.

3 Q Okay. And Robert Reyes, were you saying was
4 the, was your communication person for interacting
5 with Jackie?

6 A Right, yes.

7 Q Okay. And so who was in charge of sort of
8 keeping track of these contributions?

9 A How do, how do you mean? Can you --

10 Q So --

11 A -- rephrase that question?

12 Q -- obviously as the PAC is spending money,
13 which --

14 A Right.

15 Q -- you got the fun job. Who, who was in
16 charge of making sure how much the PAC had on hand and
17 recognizing its fundraising needs, in order to meet
18 its expenditures?

19 A We didn't have a, like exact roles on, on,
20 you know, on that and so --

21 Q Sure, but who was involved in doing so?

22 A Who was involved in making sure that the,
23 the funds went to the merchant account, then to the
24 bank account?

25 Q Yeah, so you're sort of managing the money

1 for the PAC.

2 A Rob Reyes, like had a, yeah, Rob Reyes
3 would, like had access to see, like the merch, like
4 the funds hitting the merchant account and then going
5 to the bank, which is --

6 Q Okay.

7 A -- required by the FEC to, like be
8 deposited.

9 Q Sure, okay. So I'm understanding how that
10 works a little bit better. But was anyone else sort
11 of involved in that process? You mentioned that, for
12 instance, that Kyle Davies would pick up the mail.
13 Did that include checks that were sent to the PAC?

14 A I do remember that Kyle was, yes, receiving
15 checks. He was, because there was, like, I think it
16 was the address on the interstate so he would go and
17 pick up the mail. So those were the duties that he
18 had and then, he would also record, like the name and
19 address.

20 Q Okay.

21 A I don't know if he, I don't recall or I
22 don't know if he, he actually gave those to Henok for
23 the filing, but I knew that that was, like a
24 requirement. So I remember, you know, having to do
25 that.

1 Q So Mr. Davies was actually opening the mail
2 and processing what was coming in. Is that correct?

3 A Yes.

4 Q Okay. And what happened to the checks after
5 he recorded that information? How did they get into
6 Progressive Priorities bank account?

7 A He would make a deposit.

8 Q Okay. And did he, how would he make that
9 deposit?

10 A I, I believe you just go and just take the
11 checks and you just tell them the, the account number
12 and then, make the deposit.

13 Q And so, in terms of signing the checks, was
14 he signing the checks and taking them to the account?

15 A I don't think there was ever a, I don't
16 think we ever had, I, I'm not sure if there was ever
17 checks signed or anything. I didn't handle, like
18 actual overseeing of, like, the checks being signed.

19 Q But they, and so, you know that the checks
20 would have to be endorsed, is that correct, to be
21 deposited?

22 A On the?

23 Q You have to, a check has to be signed by the
24 recipient to be deposited. Is that correct as to your
25 understanding?

1 A Right. But I also know that, like for
2 instance right now with, with the PAC that I have, my
3 accountant just, like has a stamp that says, 'for
4 deposit only', she just --

5 Q Sure.

6 A -- stamps it.

7 Q Sure. So do you --

8 A So --

9 Q -- know who was, was doing that for the PAC?

10 A That, I don't know if, I, like I don't know
11 exactly if Kyle was doing that, but like that was his
12 domain. So however, like I believe the checks were
13 like depositing in the bank account. So like I just
14 don't know how, the specifics of that. I'm just not
15 aware of that.

16 MS. DI GIOVANNI: Okay. Before we get into
17 details, do you have any further questions, Jin on
18 that?

19 BY MS. LEE:

20 Q So once the money came in, who decided how
21 the money should be spent?

22 A It was a collection of myself, Robert Reyes
23 and even some parts with Kyle and then, but the
24 director, like didn't really have access to, like, we
25 didn't, I mean, like, she, you know, we would try to

1 involve these people, but, like, they were really
2 just, were more concerned with, like, you know, like,
3 supporting, things like that, so yeah.

4 Q Who do you mean director?

5 A Well, Alexa and, like, Michelle, yeah.

6 Q Okay. And did somebody have the final
7 approval? You said it was a collective decision, but
8 --

9 A Yeah, we --

10 Q -- was there somebody, you know, really --

11 A Yeah, in hindsight, you know, I, I think,
12 like an approval would be, you know, a, a better way
13 to go about it, but it was just a very new PAC and new
14 experience for us and we didn't really understand,
15 like, that, you know, the safe harbors and things like
16 that that the FEC has on their website needed to be,
17 like put in place. So --

18 Q Sure, so --

19 A -- to answer your question, no. We, we
20 didn't have like a formal approval process, like a
21 large organization.

22 Q Right and so, when you had to spend money,
23 who actually, did you write checks to the vendors or,
24 I mean, who did all that?

25 A Yeah, so Rob would, Rob Reyes would send

1 out, like online, like payments, things like that,
2 yeah, so he would make sure that, like things got
3 paid. So Henok would, like basically take everything
4 from Rob, you know, all the, all the, Rob would, like
5 do the, do the, like getting invoices, you know, make
6 sure the deposits were coming in, but Henok would then
7 take that information and then, like, do the filing.
8 That was actually how it was supposed to be and it,
9 from my view, that's, that's how, you know, it was, it
10 was, it was working.

11 Q Sure.

12 BY MS. DI GIOVANNI:

13 Q So practically speaking, since you were, had
14 this experience, in terms of the media buys and --

15 A Uh-huh.

16 Q -- things like that, is it correct to say
17 that when it came time to engage a vendor or draft
18 the, to get those robocalls out, were you the one sort
19 of making those decisions, because of your experience?

20 A Yes.

21 Q Okay, understood.

22 BY MS. LEE:

23 Q Oh, one more thing. Did, did Progressive
24 Priorities actually have an office space or anything
25 like that?

1 A Yes, it had, like, WeWork. It was on --

2 Q Oh, right --

3 A It was a different WeWork location so --

4 BY MS. DI GIOVANNI:

5 Q And as far as you're aware is that this 3300
6 North Interstate 35?

7 A That's correct.

8 Q Thank you, all right. Now, we are going to
9 move onto a document, this is going to be Exhibit 11.
10 There you are. And two (phonetic). Okay, so do you
11 recognize this document?

12 A Yes, I do. This is a document that I
13 forwarded, that I was able to find in my Google drive,
14 mattmedia@gmail --

15 (The document referred to was marked for
16 identification as Agency's Exhibit No. 11)

17 Q Okay --

18 A -- uh, mattmediateam@gmail.com and this is
19 a, I believe, like either, yeah, I wasn't sure if this
20 was, like actual people who donated or people who
21 promised to donate, but this was, like a list that I
22 found of, of people that, you know, work some, some
23 kind of data entry.

24 Q Okay. So can you elaborate a little bit
25 more about what you believe this document to show?

1 A I believe it either shows who promised to
2 send in a piece of mail or somebody who actually sent
3 in a piece, but yeah, I, I don't know if, like, these
4 people actually sent in a piece, like this could just
5 be, like a promise, we call it, like promise to pay,
6 like if they just promise to pay, send in a check.
7 But so, like we might have sent something out to them,
8 but, like they didn't necessarily, like send a check
9 back.

10 Q Sure. You mentioned that you had this in
11 your, your Gmail, your G Drive.

12 A Yeah.

13 Q Can you explain sort of why you had this in
14 your possession?

15 A I think this came from Kyle Davies. So I,
16 it was just kind of like a random document that I
17 might have had. I might have actually requested this
18 from him, just because I wanted to see, like, you
19 know, the amounts and things like that. I, from time
20 to time, I would just request information from, you
21 know, Kyle and Rob just to do a little, like do my
22 job, which is make sure that, like, you know, people
23 are donating or, like, you know, the message works.
24 It's just kind of one of those things you, you do when
25 you're running a campaign, making sure it's

1 performing, so.

2 Q So you're saying, so your, part of your role
3 was to sort of check the efficacy of, of --

4 A Right.

5 Q -- PAC's efforts?

6 A Right, correct.

7 Q Okay. And so do you know what this document
8 was used for?

9 A No, I, not, not to my knowledge. I mean, it
10 says 10 PP PAC (phonetic) mail in report. So I'm not
11 sure, like this might have come from, like a report
12 from the call center or it, it might have been a,
13 maybe just a document that, like Kyle sent me, but
14 yeah, I'm not sure.

15 Q Okay. And do you have any idea of when
16 this, this might have been created?

17 A I mean, the date says 6/15/16. So I don't
18 know, yeah. I mean, yeah, it's, it, this is, like
19 what I wrote was created it says in the, the title
20 that it's 6/15/16. So that's, that's all I know.

21 Q Okay. And, and so you, you stated that
22 maybe this came from Kyle. Do you know whether he
23 created this document or someone else did?

24 A No, I mean, I don't, I don't think he, he
25 didn't, like or he didn't, like enter in all these

1 addresses, like this definitely came from, like a call
2 center somebody, yeah.

3 Q Okay. so when you mentioned before that he
4 was sort of registering the checks that were coming
5 in, this wouldn't have been what he was doing?

6 A I don't think so, because it says mail in
7 report, like and, and it just, it looks very much like
8 it's, like automated or something, maybe it came from
9 the call center or some, some piece of software,
10 maybe, maybe it came from, like authorize.net. I
11 actually don't know, to be honest, but, like yeah.

12 Q Authorize.net, could you elaborate a little
13 bit on that?

14 A That's, like just a, a, just a payment
15 processor that, like processes the, the credit cards.

16 Q Credit cards that are from where?

17 A From the call center.

18 Q Okay. So the call center directs them to a,
19 sort of an interface then --

20 A Yes.

21 Q -- or they, they're running the, the charge
22 over.

23 A These authorize.net's API, it's a live
24 integrate.

25 Q And which call center are you referring to?

1 Do you recall?

2 A It was the call center that, for the, the,
3 this, it was like a Democratic call center in
4 Colorado. I have it on my laptop, but it's, her name
5 was, like Jackie, she was like a one time --

6 Q Oh, so this is the vendor we were --

7 A Yeah.

8 Q -- speaking about before?

9 A Yeah.

10 Q The one that Robert Reyes was --

11 A I think it was, I think it was called, like
12 Signal Marketing maybe.

13 Q Oh, perhaps, it, was it perhaps Signia
14 Marketing?

15 A Signia, yeah, I think that was them, yeah.

16 Q Okay, good. And so you, am I correct that
17 you're uncertain as to how this information basically
18 got to you, but you, you believe it to have come from
19 Signia Marketing?

20 A I believe it's come from, came from either
21 Kyle Davies or -- but I don't, yeah, either Kyle
22 Davies or Signia Marketing, yes.

23 Q Okay. So you're uncertain, but one of those
24 two people -- sources?

25 A Yes.

1 Q Okay. Do you know if other reports of this
2 kind would have been created while the PAC was
3 operating?

4 A Yeah, I mean, I, I try to, I try to get this
5 information for you guys. Basically, I tried to see
6 if, like we had access to the authorize.net. I sent
7 you the, there's, like a, a sheet that we used that
8 had all the authorize, authorizations in, like so we
9 all had, like that access. But I tried --

10 Q Uh-huh.

11 A -- to login, like there, I, I, I wasn't able
12 to get access to, like the authorize.net report to try
13 and pull that. I couldn't go into the bank account at
14 either Chase, because I'm not a signer. So to answer
15 your question --

16 Q Why couldn't you get into the authorize.net?

17 A I tried and like, it's, it's not working and
18 I don't, yeah.

19 Q The credentials you have are --

20 A Yeah.

21 Q -- are not working?

22 A And also, like it's been, like three years.
23 So it's probably, like closed out or something.

24 Q Understood, okay. Okay, so as far as you're
25 aware those, those aren't in your possession and you,

1 do you have any idea who might have access to those
2 things, like more charts of this kind and --

3 A No, I don't. Well, who, who would have it,
4 it would be in the authorize.net for sure, like that
5 would, that's, that's what, like typically now we use,
6 like for any, any PAC funds that I do with any
7 accountants like I just give them authorize.net,
8 because it, it has all this information.

9 Q Okay, okay. And I'll take that back from
10 you now, thank you. This will be Exhibit 12. One for
11 you and one to you. Okay. And can you identify this
12 document for me?

13 A Yes, this was a document that I sent to
14 Justine di Giovanni, basically showing some of the,
15 some of the names of either donors or, yeah, but I
16 don't think they were, they might or might not have
17 been, like actual people who sent in checks, because
18 it says, 'P to P', which means it's a promise to pay,
19 which means they made a promise, but might not have
20 sent it.

21 (The document referred to was marked for
22 identification as Agency's Exhibit No. 12)

23 Q Okay. And at the top of the page, can you
24 read the title of this document for me?

25 A Yeah. It says (11_Obamamailer ptp).

1 Q Okay. And where did you get this document?

2 A I believe I got this from, I actually don't
3 know off the top of my head where I got this from. It
4 was just on my drive.

5 Q Okay. So this was also in your G drive?

6 A Correct, yes.

7 Q Do you have any idea when this document was
8 created?

9 A No, I'm not sure --

10 Q Okay.

11 A -- when it was created.

12 Q And do you know who would have created it?

13 A I, I don't know. I mean, the, the subpoena
14 asked for any information that was related, so I just
15 saw, it said mailer on there and it said PTP. So I
16 just sent this, yeah.

17 Q Absolutely and that was, that was definitely
18 correct. Thank you for doing so.

19 A Okay.

20 Q Or just sort of the best of your
21 recollection, what do you know about it?

22 A These might have been leads, like I, I don't
23 know. It says received on column G.

24 Q Uh-huh.

25 A But I don't know what RF stands for.

1 Q Uh-huh, okay. And do you know if, if the
2 PAC had sent mailers to these individuals?

3 A I'm not, I'm not sure if they did or not.

4 Q Okay.

5 A I know there were mailers sent out, but I,
6 I'm not sure if it was for the FEC requirement or
7 because I'm, I'm getting confused between, like
8 Liberty Action Group and Progressive Priorities. So
9 I'm not --

10 Q Sure.

11 A I'm not, I can't answer that accurately.

12 Q Understood. And does the, the phrase,
13 'Obama mailer' sound like something that, something
14 you remember Progressive Priorities sending out?

15 A Yeah, I don't know, maybe, maybe it was,
16 like, maybe a test or something, but we didn't, like
17 we didn't send out anything that would be related,
18 like, but sometimes, like, since Obama has, like the
19 same, like, supporters as like Hillary, maybe that's
20 why, like maybe this is like a lead source. I don't,
21 I honestly don't know why it's called Obama.

22 Q Sure. When you say sort of like a test, do
23 you, what do you mean by that?

24 A Yeah, this might have been like maybe, like
25 leads or something, but I don't know. I, I, I, I

1 wasn't, I'm not prepared to, to, to speak on, like,
2 the origin of this since it was so long ago.

3 Q Sure, with the understanding that you're
4 speculating a little bit.

5 A Correct, correct.

6 Q So when you say leads, you mean, perhaps
7 people that the PAC could target for fundraising?

8 A Right, correct.

9 Q Okay. And leads of this kind, do you recall
10 where the PAC may have, might have obtained this kind
11 of lead?

12 A Yeah, yeah, yeah, maybe from the call
13 center, yeah.

14 Q So is that your recollection that, that it
15 would have been something that you wouldn't have
16 gotten from the call center or did you perhaps employ
17 other vendors or obtained this information from other
18 sources?

19 A No, it, it probably came from a call center.

20 Q Okay.

21 A Yeah.

22 Q Okay.

23 MS. DI GIOVANNI: Did you have any other
24 questions you wanted to ask about that document?

25 MS. LEE: No.

1 MS. DI GIOVANNI: Okay, I'll take that back
2 from you, from you now. And it's about noon, so if no
3 one has any objections, this might be a good time for
4 a lunch break.

5 MR. LAWYER: Do you have a men's room or --

6 MS. DI GIOVANNI: We do, we can take --

7 NOTARY PUBLIC: Can we go off?

8 MS. DI GIOVANNI: Yes, please go off the
9 record.

10 (Whereupon, at 12:00 p.m., the deposition
11 was recessed, to reconvene at 1:00 p.m., later that
12 same day.)

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1 A F T E R N O O N S E S S I O N

2 (1:00 p.m.)

3 MS. DI GIOVANNI: Okay, so we're back from
4 lunch. Thank you for coming back so promptly. We
5 really appreciate it. I think now, what we're going
6 to do is I think we, we basically understood most of
7 what you told us with the background on the
8 disbursements, before you, we went to lunch. Did you
9 have something you wanted to add?

10 THE WITNESS: Yes, we wanted to add the, the
11 name of the company that I forget was MNT Media.

12 BY MS. DI GIOVANNI:

13 Q MNT?

14 A MNT Media, yes.

15 Q And it's an and not an N?

16 A M-N-T, like --

17 Q M-N-T, got it.

18 A Like initials, yes.

19 Q Okay.

20 A Yeah, so just MNT Media.

21 Q And that was, so that's your initial, so
22 that was your --

23 A Yeah.

24 Q -- company when you worked for yourself?

25 A Yes.

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1 Q Okay. So that was when you were working for
2 Mr. McDonald?

3 A It was between 2008 and 2012, I'm not sure
4 of the exact dates, but yes, this, yes, well --

5 Q Okay.

6 A -- for Adam McDonald, yes. This was the
7 company.

8 Q Got it. And I believe we, I'm looking at
9 your laptop screen and I see it lists MNT Media
10 Supreme Dream Media, LLC --

11 A Uh-huh.

12 Q -- MATT and does that have an E at the end
13 of MATT?

14 A It's like the --

15 Q Like --

16 A -- yeah.

17 Q -- not shiny matte? Matte Media Creations,
18 Inc. and United Advocates Group, LLC.

19 A Correct.

20 Q Okay. And you, I believe you mentioned the
21 last three, so I think --

22 A Yes.

23 Q -- that's, that's good. Thank you very much
24 for supplementing that --

25 BY MS. LEE:

1 Q One thing, I see that it, one is
2 incorporated and two are LLCs. Where, where did you
3 register those companies? What states?

4 A They were in Delaware.

5 Q They're all Delaware companies?

6 A Yes.

7 Q Okay, okay.

8 MS. DI GIOVANNI: Thank you.

9 BY MS. DI GIOVANNI:

10 Q Okay. So this is a big book, but I promise
11 we're not going through all of it. It's just a large
12 document. This is going to be Exhibit 13. So one for
13 you, okay. And if you could identify this document
14 for me?

15 A This is the FEC Form 3X, Report Of Receipts
16 And Disbursements for Progressive Priorities PAC.

17 (The document referred to was marked for
18 identification as Agency's Exhibit No. 13)

19 Q And if you look at box four, can you read
20 the type of report for me?

21 A July 15th Quarterly Report.

22 Q Great. So were you at all involved in the
23 filing or preparing of this document?

24 A No, I was not.

25 Q Okay. And whom do you believe, who do you

1 believe did do this filing and preparing?

2 A Henok Tedla.

3 Q Okay.

4 A I believe.

5 Q Sure. So what I'm going to do now, is we're
6 going to walk through a few of the disbursements
7 listed here. The page numbers for your convenience,
8 they're generally at the top right of the page. So as
9 I refer to pages, that's what I'm referring to, like
10 for instance, page 73 of 180, things like that. To
11 start, we'll start at page 6, and you can unclip this,
12 so that it makes it easier for you to see the pages.

13 A Okay.

14 Q So on page 6, can you please look at the
15 itemization for the individual titled Good Al
16 (phonetic) it's at the top of the page. Okay, and do
17 you see that?

18 A Yes.

19 Q Is there an occupation or an employer listed
20 here for Good Al?

21 A No, there is not.

22 Q Okay. And to the best of your knowledge, do
23 any of Progressive Priorities PAC's itemized receipts
24 include employer or occupation data?

25 A I'm not sure if they do. Yeah, I'm not

1 sure.

2 Q Is this information that you believe that
3 the PAC attempted to collect when it received --

4 A Correct.

5 Q -- contributions?

6 A Correct. I believe there was a follow up,
7 either for Progressive Priorities or Liberty Action
8 Group from the FEC that was requesting that, you know,
9 any, any contributions over \$200 that we reach out and
10 make best efforts to collect name and address.

11 Q But that information was not collected at
12 the time the contributions were received, is that
13 correct?

14 A I'm not sure if it was or was not.

15 Q Okay.

16 A Yes.

17 Q If that information was collected or if it
18 wasn't, do you have any idea why it was excluded from
19 the reports?

20 MR. LAWYER: What date is that? The date --

21 THE WITNESS: This is 6/30/2016. I'm not
22 sure why it would be excluded. No, I'm not sure.

23 BY MS. DI GIOVANNI

24 Q Okay. And then, as far as you're aware, you
25 mentioned that there was some follow up undertaken.

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1 You weren't sure when you stated, if I'm correct, that
2 whether you were, whether that was Liberty Action
3 Group or Progressive Priorities, is that correct?

4 A Correct. I'm not sure. I believe it was
5 Liberty Action Group, but I'm not sure if there was
6 also one for Progressive Priorities.

7 Q So do you recall who undertook those efforts
8 -- might that lead you to which group?

9 A Kyle Davies sent out mail, but I'm not sure
10 if it was Liberty Action Group or Progressive
11 Priorities, but there was some attempt there to, to do
12 that, because I remember Henok Tedla telling Rob, who
13 told me, that, you know, there was this feedback from
14 the FEC that said we needed to go back and attempt to
15 collect the name and occupation for people \$200 or
16 over.

17 Q Okay. And do you have any memory of when
18 that might have happened though, that conversation?

19 A I believe it was maybe in July.

20 Q Of?

21 A Actually, no. I don't know the exact dates.
22 I know it was in 2016.

23 Q In 2016?

24 A Yes.

25 Q Okay. You stated that you've sort of

1 undertaken the responsibilities of treasurer for
2 Progressive Priorities PAC --

3 A Correct.

4 Q -- is that correct?

5 A Correct.

6 Q Have you made any efforts to obtain this
7 information?

8 A I haven't sent out any mailers at this
9 point.

10 Q Have you done anything else?

11 A No. I haven't attempted to contact any
12 previous donors. But yes, to answer your question.

13 Q Got it. And so, we spoke briefly before
14 about how Progressive Priorities PAC raised money. I
15 understand that, that part of that was, was through
16 mailers and these robocalls, possibly mailers. You
17 were a little unsure on that, is that correct?

18 A Yes, correct, yes, possibly.

19 Q Okay. Is that the only way in which
20 Progressive Priorities PAC raised money? Was it
21 through these robocalls and possibly mailers or were
22 there other methods?

23 A Those were the main methods.

24 Q Were there any others?

25 A I'm not, I'm not sure if there were. I

1 don't, no, there wasn't anything on web for instance
2 or anything like that, to my knowledge. We didn't
3 have a targeted campaign for the web for instance.

4 Q Okay. So were there any internet-based ads
5 or, or no?

6 A No, I don't, I don't believe so.

7 Q Okay. And then, just making sure, so, so we
8 could imagine that, that many of these came through
9 the call center, is that correct, based on what you
10 remember?

11 A Correct, correct.

12 Q Okay. That makes sense. Let's move ahead
13 to some, oh, and then, oh, yes. I'm aware that
14 Progressive Priorities PAC had a website. Do you
15 recall the Progressive Priorities PAC?

16 A Yes, I do. From, from that and from the
17 article where they displayed the actual website, so --

18 Q Which article are you referring to?

19 A I believe it was in that article, the one
20 that Andrew wrote about -- I, I, I remember there
21 being a website, but I don't believe there was, like
22 an actual donation feature, where you could, like
23 donate on the website.

24 Q Okay. And you don't believe that there was
25 a donation, donation page on --

1 A No.

2 Q -- the website?

3 A No.

4 Q Okay.

5 A It was more of just to show the presence of
6 the PAC.

7 Q Okay.

8 A And then, like the mission and values,
9 things like that.

10 Q And do you think it, it, did it provide a, a
11 contact number for people to make donations or?

12 A It might, it might have been linked, but I'm
13 not sure if, I, I don't remember if it, there was a
14 phone number on the website.

15 Q Okay.

16 A Other, other than the information that was
17 required by the merchant to have the merchant account,
18 things like that, like a privacy policy, potentially
19 like an address. We, I think the address might have
20 been on there, but I'm not sure if the phone number
21 was there.

22 Q What merchant are you referring to?

23 A When you get merchant processing, they,
24 typically they'll look at, like your website just to
25 make, like see that you're, like a, a real company and

1 that you have your, like mission statement or
2 whatever, you know, whatever you're doing, so --

3 Q And what merchant processing did Progressive
4 Priorities use?

5 A I just remember authorize.net.

6 Q Okay.

7 A Just those are the ones that --

8 Q Okay. So, to be clear, you're saying that
9 the authorize.net or whoever else Progressive
10 Priorities might have used, they required Progressive
11 Priorities have the, to have a web presence?

12 A Correct, correct.

13 Q Got it, okay. We're going to move a little
14 bit further in this document to page 168, that's
15 rather significantly farther in this document.

16 MR. LAWYER: Was that page 168?

17 MS. DI GIOVANNI: It's at the top, so top
18 right, it says page blank of blank.

19 THE WITNESS: Oh, yeah, okay.

20 MS. DI GIOVANNI: Yep.

21 THE WITNESS: 168?

22 MS. DI GIOVANNI: Yes. Are you on page 168?

23 THE WITNESS: Yes.

24 BY MS. DI GIOVANNI:

25 Q Okay. What we're going to be doing now is

1 walking through a few, several of, of the PAC's
2 disbursements and asking you what you recall. We
3 understand that this was some time ago, so we
4 understand, we understand that you may not remember
5 fully, but anything you can tell us is helpful. At
6 the top of the page, do you see a disbursement for
7 \$280 to Access Accounting?

8 A Yes.

9 Q Okay. Do you recall anything about Access
10 Accounting? What it was?

11 A No. I, I don't recall at all.

12 Q Okay. Is there a mailing address listed
13 for, on this page for Access accounting?

14 A No, there is not.

15 Q Okay. Do you have any idea why there isn't
16 that information here?

17 A I'm not, I'm not certain if the name and
18 address was, I know, I, I, to answer your question, I
19 don't know why it wouldn't be on there.

20 Q Okay. And do you recall what this
21 disbursement might have been for, the purpose?

22 A I don't.

23 Q Okay. Lower down on the same page, you'll
24 see a \$5,000 disbursement to Brian Thompson. Do you
25 recall who Mr. Thompson was?

1 A No, I do not.

2 Q Okay. And can you confirm that there is
3 also not a mailing address for Mr. Thompson?

4 A Yes, there's no mailing address for him.

5 Q Okay. And, and since you don't remember
6 him, I imagine you probably don't recall the purpose
7 for this disbursement, is that correct?

8 A Correct.

9 Q Okay. Further down the page, you'll see
10 that there's a disbursement to PayPal. Do you see
11 that?

12 A Yes.

13 Q Do you recall what Progressive Priorities
14 used PayPal for?

15 A Yes. Do you want me to explain --

16 Q Please.

17 A -- like why? Okay. So after doing some,
18 you know, basic research gathering, information
19 gathering, I remember that, you know, that the reason
20 PayPal, there was so many PayPals is because Henok
21 said he tried to go in at one point to, to see the
22 PayPal and they weren't showing, like, PayPal didn't
23 have even, like access to show the, the, the itemized
24 names on there, so --

25 Q So are you, to clarify, are you saying that,

1 that payments that were made through PayPal were to
2 third parties, but you are, it is unknown to which
3 third parties these payments are for?

4 A Correct. Yeah, from, from what I understood
5 from the conversations at that time, like PayPal
6 didn't allow Henok to be able to see, like the names,
7 the first name and last name of the, of the people.

8 Q Okay. So this disbursement for \$164.75 that
9 just says PayPal, you have, do you have any
10 recollection of what that could possibly have been
11 for?

12 A I don't, but the, actually, can I go back
13 and --

14 Q Please.

15 A -- modify what I said?

16 Q Uh-huh.

17 A So I believe that PayPal at one point was
18 actually the, the merchant processor.

19 Q Okay.

20 A And they were, you know, Progressive
21 Priorities was using PayPal as the merchant and I
22 believe that Henok logged in, but wasn't able to,
23 PayPal just didn't have the functionality to be able
24 to itemize, like the names of, like the actual
25 contributors. So that's where he ran into issues, I

1 believe.

2 Q So are you referring right now to
3 disbursements or contributions received by --

4 A Contributions. Is this disbursements?

5 Q This is under disbursements.

6 A Okay. Never mind, that's something
7 different.

8 Q Okay, understood.

9 A So this is disbursements meaning these are
10 expenses?

11 MR. LAWYER: Yes, monies (phonetic) that
12 have paid out. Winnings (phonetic) that have paid out.

13 MS. DI GIOVANNI: Yes, these were
14 expenditures made by Progressive Priorities.

15 THE WITNESS: Yeah, I, again, I don't
16 remember any of these, I don't remember Brian Thompson
17 or Access Accounting or I remember there was a PayPal
18 merchant account, now that you refreshed my memory.

19 BY MS. DI GIOVANNI:

20 Q Sure, but you are uncertain as to, to the
21 purpose of this --

22 A Correct.

23 Q Understood. Okay, then looking over at the
24 next page, which is 169. You'll see a number of
25 disbursements that start on this page to Signia

1 Marketing --

2 A Right. Yeah, that --

3 Q Can you tell us what you recall about Signia
4 Marketing?

5 A Right. So Signia Marketing was the call
6 center to, to modify what I said previously. I was
7 trying to think of the name, but this is, yeah, this
8 is them.

9 Q So can you tell me a little bit more
10 specifically about exactly the services Signia
11 provided for Progressive Priorities?

12 A They provided call center services.

13 Q More specifically, so, so what did they do?

14 A They provided call center services and their
15 agents recorded the information --

16 Q So --

17 A -- for the donations, contributions.

18 Q So how did calls, how did the call center
19 receive calls on behalf of Progressive Priorities?

20 A They received calls by a voice broadcast
21 political advertisement message that we sent out.

22 Q By voice broadcast political advertising
23 message, do you, are you referring to robocalls --

24 A Yes.

25 Q -- soliciting contributions?

1 A Yes.

2 Q Okay. So would, would people who received
3 the robocall from Progressive Priorities PAC, they
4 would have the option to speak to someone at the call
5 center in order to make a contribution? Is that
6 correct?

7 A That is correct.

8 Q Okay. So the call center would then speak
9 with the people who were attempting to contribute to
10 Progressive Priorities, is that correct?

11 A Correct.

12 Q And are you saying as well, that Signia
13 Marketing collected information from these
14 contributors on behalf of Progressive Priorities?

15 A That is correct.

16 Q Okay. That makes sense and I think I
17 understand a little more clearly what you were saying
18 earlier about the call center.

19 A Okay.

20 Q And how did you find them to, as a vendor
21 for Progressive Priorities?

22 A Just online.

23 Q Was, when you say just online, you know, can
24 you explain your process for how you did that a little
25 bit?

1 A Yes. So we just, we, we realized that, you
2 know, it's a very niche kind of call center, this,
3 the, you know, these political calls. So this
4 particular outlet had a, Signia Marketing had the
5 experience to take these political calls. So that's,
6 so we were looking, you know, for potential vendors
7 and they fit the description.

8 Q And you had ever worked with them in the
9 past that you recall?

10 A No, no, I didn't.

11 Q Okay, excellent. And can you confirm for me
12 whether there's a mailing address listed for Signia
13 Marketing on, on any of these on this page?

14 A No, there's not.

15 Q Okay. And do you recall why that
16 information would not appear here?

17 A No. I don't know why.

18 BY MS. LEE:

19 Q Do you actually have the, the address and
20 the address and purpose of disbursement information
21 for Signia?

22 A Yes, I can get that. The address is what
23 you guys need?

24 Q Right, that would be great.

25 A Sure. Yes, I can provide that.

1 Q That would be very helpful. And this is
2 Jackie who was at this company and --

3 A Her name is Jackie, was the point of
4 contact.

5 BY MS. ANDRADE:

6 Q Do you have a last name for Jackie?

7 A I believe it was, like started with a C, but
8 that, yeah, that's --

9 Q Would you be able to find that information?

10 A I can, I can get that from Rob. He would,
11 he would have that since he was handling most of the
12 call center stuff.

13 BY MS. LEE:

14 Q So in terms of hiring Signia Marketing, who
15 was responsible for that?

16 A Rob actually did the, brought them on.

17 Q Okay. Did you ever have any discussions
18 with, with Signia Marketing?

19 A I might have talked to, like somebody
20 briefly or, like, because typically, like I'll do,
21 maybe test calls, just to make sure that the
22 functionality is working. So there, there was some
23 communication there, between myself and the call
24 center.

25 Q Okay.

1 A But not direct, day to day.

2 Q All right.

3 BY MS. DI GIOVANNI:

4 Q To clarify what you said, you likely found
5 them, as a potential vendor, recommended them to the
6 PAC and then, Robert Reyes brought them on, did the
7 actual work of, of the onboarding and, and engagement
8 with the vendor?

9 A Correct and I didn't actually find them. It
10 was a collective effort between Rob and myself, so it
11 wasn't me exclusively.

12 Q Okay.

13 A Just to clarify.

14 Q Thank you, okay. And if, if we think of
15 anything about Signia, we'll come back to that, since
16 it seems like they did, is it correct to say that they
17 did a lot of work with the PAC?

18 A Yes. They were the primary call center.

19 Q Okay. Moving on to page 171.

20 A Okay.

21 Q You'll see several disbursements here to
22 SmartCall Media. What do you recall about SmartCall
23 Media?

24 A SmartCall Media was the platform that
25 allowed us to send the voice broadcast robocalls.

1 Q Okay. So the original robocalls that would
2 then redirect to Signia Marketing, the call center --

3 A Correct.

4 Q -- were broadcast through SmartCall Media?

5 A Correct.

6 Q Thank you. So here, how did you find this
7 organization?

8 A I, I think I've known them for, since like
9 2007 or something. I've just known them forever, you
10 know.

11 Q Have you done work with them in the past?

12 A Yes, I have.

13 Q Okay. And was that also in the robocalling
14 capacity?

15 A Yes.

16 Q Okay. And then just to clarify, we're,
17 we're keeping Exhibit 13 here, but I, I just wanted to
18 present to Exhibit 14. To the best of your knowledge,
19 is this the SmartCall Media that you engaged with, on
20 behalf of Progressive Priorities PAC? Oh, and also
21 can you please identify for me what I, what I just
22 provided you.

23 A Yes, this is a document showing
24 SmartCallMedia.com. I'm, I'm not sure exactly if this
25 is SmartCall, but I do, yes, no, I don't know if it's

1 the actual, like SmartCall. I don't, yeah, I don't, I
2 don't know.

3 (The document referred to was marked for
4 identification as Agency's Exhibit No. 14)

5 Q You, so is it correct to say that you're
6 uncertain, but does this appear to be --

7 A It does appear.

8 Q -- the company?

9 A Yes.

10 Q Okay. Thank you. I can take it back, thank
11 you. All right, continuing on there, okay. Oh and do
12 you also have, do you also have the address for
13 SmartCall Media in your possession?

14 A I can, I can get it as well, yes.

15 Q That would be great thank you.

16 A Okay.

17 Q We'd appreciate that. Then, do you know if
18 every, so we've, we've talked to a number of people
19 who did work for Progressive Priorities PAC. These
20 individuals, do you know if they were paid for their
21 services for Progressive Priorities and when I say
22 these individuals, I'm referring to you, Kyle Davies,
23 Robert Reyes, Michelle Sotelo, Alexa Roth and Monique
24 Moyers.

25 A I'm not, I'm not sure if Monique was

1 compensated. I'm not sure if, but Kyle, Kyle, well,
2 I'm not sure if Kyle was -- okay, so Monique Moyers, I
3 guess, like can I have a list of the names?

4 Q Sure absolutely --

5 A That would be helpful.

6 Q -- I can give you back, I can present you
7 with Exhibit 2 --

8 A Okay.

9 Q -- which is your answer to these
10 interrogatories. If I can track it down, which,
11 theoretically I can. So I'll present you with Exhibit
12 2, which is your response and has the list of
13 individuals.

14 A Okay. Alexa Roth, I'm, I'm not exactly sure
15 if she was paid, but Kyle did tell me that she was
16 compensated. Yeah, so Alexa Roth was compensated. I
17 understand that Kyle also compensated Michelle. So
18 she was compensated. I know Kyle was compensated.
19 Henok was compensated. Myself and Robert, so I, I
20 just don't know about Monique.

21 Q Okay.

22 A That's the only one that I'm not sure of.

23 Q so everyone other than potentially Monique
24 Moyers, you believe to have been compensated by
25 Progressive Priorities?

1 A I believe to, but I, I never saw an actual
2 check or anything.

3 Q Sure, though you received compensation from
4 Progressive Priorities, is that correct?

5 A Yes.

6 Q So did you see the, how did you receive
7 compensation?

8 A Through Matte Media Creations.

9 Q Sure. Do you believe that this is reflected
10 in Progressive Priorities filings with the FEC, these
11 disbursements?

12 A I'm not able to, like accurately answer
13 that, because I don't have the report in front of me.

14 Q So when you were paid through Matte Media
15 Creations, how was the payment affected? Was it
16 through check, through an electronic disbursement, how
17 did you --

18 A Electronic.

19 Q Okay. And that was directly from
20 Progressive Priorities bank account to yours --

21 A Correct.

22 Q -- to Matte Media Creations?

23 A Correct.

24 Q Okay. Do you recall how much you were paid
25 by Progressive Priorities PAC?

1 A Hold on, can we go back --

2 Q Sure.

3 A -- to the, to what, what was the question?

4 Q The, I just asked do you recall how much you
5 were paid by Progressive Priorities PAC?

6 A No, I don't know the exact amount. I don't
7 have it on, on hand.

8 Q Sure. Would you be able to figure that out
9 from your records?

10 A I don't know if I have that information,
11 like all I have is tax returns. So I don't have the
12 exact amount, because that, I don't have that, access
13 to that account anymore. I don't have Matte Media
14 Creations access, it was closed.

15 BY MS. LEE:

16 Q Were you ever invoiced, did, by Progressive
17 Priorities for your services?

18 A No, we never had formal invoices. In
19 hindsight, that would have been helpful, but we didn't
20 have formal invoices.

21 Q So how did, how did they determine how much
22 to pay you?

23 A The Progressive Priorities?

24 Q Yes.

25 A We had, basically like consulting fees that

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1 we charged.

2 Q Okay. So they, so how did, how did they
3 know how much money they were supposed to pay you?
4 Who kept track of that?

5 A We, we were anticipating on Henok to
6 basically keep track of all of the account statements
7 to show disbursements. And we, we didn't have a
8 formal role for somebody to actually keep track of,
9 like who's paying invoices, like, like maybe a
10 bookkeeper of the company.

11 Q But if you're providing services to
12 Progressive Priorities PAC, did you ever give them an
13 amount --

14 A No, I did not.

15 Q -- for them to pay you?

16 A No, I did not.

17 Q You never calculated how much you were owed
18 for your services?

19 A I, I did, I did, but I don't have record of
20 that.

21 Q Did you, so how did you communicate that to
22 Progressive Priorities? Once you calculated how much
23 you were owed, how, did you send them an email?

24 A I basically, no, I, I didn't send an email,
25 to answer your question.

1 Q So how, how was that information provided?

2 A I just, I, I don't have, like a record of,
3 like, the invoices. I don't know if, I'm not saying
4 they were never, like, there was never a record of it.

5 I just don't have, like an actual record. Basically,
6 you know, whatever was, whatever was charged, like as
7 a consulting fee, I was just anticipating on, you
8 know, Henok filing that and showing that amount.

9 Q But how would, how, but how would Henok, how
10 would Henok know how much to pay you?

11 A Henok didn't pay at all --

12 Q Okay. Well, then who did? Who paid you?

13 A Rob was in charge of the account.

14 Q Okay. So did you tell Rob how much
15 Progressive Priorities owed you?

16 A Yes, I did.

17 Q Okay. And do you --

18 A Yes.

19 Q -- have any, so how did you provide that
20 information to Rob?

21 A Basically, you know, we were going to
22 something where, I, you know, like I was providing,
23 like acquisition of, like a donor, you know, and then,
24 I was also, as, as a consultant providing access to,
25 to my experience and things like that. So that's

1 where the compensation came from.

2 Q Right, but, but you had to bill him for your
3 services. So how did you provide that information to
4 Rob?

5 A I didn't, I didn't, I didn't have a formal
6 bill.

7 Q So then how would he know how much to pay
8 you? Did he read your mind?

9 A No, I, I, I would say, you know, this is how
10 much the Media was and then, you know, this was how
11 much that needs to be charged.

12 BY MS. ANDRADE:

13 Q Were these conversations, I think over the
14 phone, in text messages, in emails?

15 A Typically, they were --

16 NOTARY PUBLIC: Towards the mic please.

17 MS. ANDRADE: Apologies, let me repeat.

18 NOTARY PUBLIC: Thank you.

19 BY MS. ANDRADE:

20 Q I think one of the questions is sort of more
21 basic about how this information was conveyed,
22 literally. Was it, you were having coffee and you
23 would tell him or was it over a phone call or was it
24 in email?

25 A Yeah, it was, it was typically over the

1 phone, yeah.

2 Q Okay. And I apologize for jumping in, but -

3 -

4 A Maybe, maybe a couple text messages, but I
5 don't have record of that it was so long ago.

6 Q That's fine. We're trying to get to
7 information about how things worked. When you were
8 talking about Access Accounting, Brian Thompson,
9 Signia and you said you didn't remember what these
10 were. Would it be your testimony that Rob Reyes was
11 also making those decisions to pay these vendors?

12 A Yes, he was in charge of, like, making sure
13 that the call center was paid and things like that.

14 Q Okay, thank you.

15 A In hindsight, yes, it would have been, and,
16 and with the, with the future PACs and things, you
17 know, we, we're keen on following, like the Safe
18 Harbor. It was just a lot at once, so we weren't
19 really prepared for, you know, having exact amounts
20 and bookkeepers and all this. So we relied heavily
21 on, like Henok for instance, to do, do things like
22 that and the things that he didn't, we just had to
23 kind of improvise.

24 BY MS. LEE:

25 Q But in terms of the calculations for the

1 services that your company did, did you write those
2 calculations down on paper? I mean, how did you come
3 up with those calculations?

4 A Basically, it was just, like access to
5 experience and then also, just, like user acquisition
6 and then, also did the media buys themselves, like
7 actual, you know, like a, like how much we, you know,
8 brought in versus how much we spent.

9 Q And does your, does Matte Media have records
10 of, of those, of those activities?

11 A Of, of me receiving?

12 Q Right.

13 A I, I believe I have some of that, but I, I
14 don't have access to the, the account anymore, the
15 actual bank account, because I don't have the, I
16 closed that account.

17 Q If, even if it's closed, you, you can --

18 A I can, I can request it and get that --

19 Q Right.

20 A -- yes.

21 Q Okay, all right.

22 MS. DI GIOVANNI: Yeah, I think that would
23 be helpful to have --

24 THE WITNESS: Okay.

25 MS. DI GIOVANNI: -- for the records.

1 MS. ANDRADE: Can I ask just a follow up --

2 THE WITNESS: Sure.

3 BY MS. ANDRADE:

4 Q -- and I apologize, when you say the things
5 that are included in your fees are your experience in
6 the field and creative project, I understand that.
7 When you say media buys themselves, what does that
8 mean?

9 A Yeah, basically, okay, how, how this works
10 and how a lot of political organization do it is they
11 charge, like 100 percent of whatever that comes in.
12 Then, from, from that, you know, the PAC is given the
13 rights to the or their, their allowed to have the name
14 of that donor. So, like the RNC does that. It's a,
15 it's a, it's a very common practice for acquiring, you
16 know, lists and things like that. So that was, that
17 was the arrangement that we basically had.

18 So, like, the consulting and everything was
19 kind of built into that, to give it this model of,
20 okay, you know, if we can get something that can be
21 self-sustaining, that can, you know, you know, be
22 there to, like run, run itself and keep continuing to
23 run, you know, then, then, you know, we can keep, you
24 know, 100 percent of that, but the organization gets
25 the actual name. So that's how that works, typically.

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1 BY MS. DI GIOVANNI:

2 Q So when you say media buys and, and you just
3 sort of described something here, were you talking
4 about, perhaps like a contact list --

5 A Right.

6 Q -- is, is that what you're referring to that
7 some of these leads for potential contributors that we
8 were discussing before? Is that what you were
9 referring to?

10 A The list before, I'm not really sure what,
11 because that list was pretty small, but generally,
12 like, you know, like it's our prerogative to go out
13 there and find potential donors and then, you know,
14 bring them to use to potentially call to become a
15 donor, like for the donor acquisition process.

16 Q Sure, but just to be very clear about what
17 you're saying and what you mean by the, by the words
18 you're using. When you say, when you refer to a media
19 buy, are you referring to purchasing these lists of
20 potential contributors?

21 A Yes.

22 Q Okay. And so, do you recall sort of
23 ballpark what you received from Progressive Priorities
24 for these services?

25 A I think it was anywhere between 300,000 and,

1 like a million, 1.2 million, I'm not sure, but --

2 Q Over what time period?

3 A Through the, the actual PAC time period.

4 Q So, so in 2016 is that what you're
5 referring?

6 A Correct.

7 Q Okay. And then --

8 A So, so and just to clarify, too, like --

9 Q Sure.

10 A There are, yes, so we, you know, I, I did
11 provide the data. I provided, you know, the creative
12 things like that to, to actually help them to raise
13 the money. So there was also, like, you know, fees
14 from that. It wasn't just, like everything's a
15 consulting fee for me just offering my advice. There
16 was a lot of elements and that, so --

17 Q Sure and so, so do you recall, exactly, you,
18 yourself through Matte Media Creations and for your
19 individual services, the bulk of what you received
20 through those two avenues for your services to
21 Progressive Priorities?

22 A Can you repeat, rephrase your question --

23 Q How much money did you make for your work
24 with Progressive Priorities?

25 A How much did I make --

1 Q Yes.

2 A -- with Progressive Priorities?

3 Q Yes.

4 A I'm not sure of the net of, of it, but I, I,
5 I think the money that was brought in from that
6 client, whether directly or indirectly was anywhere
7 from 300,000 to, like 1.2 million, but I don't know
8 how much exactly.

9 Q Sure. So, so do you, just to clarify, just
10 be, so I make sure I understand what you're saying.
11 Over the course of 2016, with your involvement with
12 Progressive Priorities PAC, do you recall ballpark
13 within \$50,000, how much money you made for your
14 services to Progressive Priorities PAC?

15 A No, I do not.

16 Q Okay. Go ahead.

17 BY MS. ANDRADE:

18 Q You said, you expressed your answer as a
19 net, which sort of implies that you had expenses
20 involved with your work. Can you detail what those
21 were?

22 A Expenses of my work?

23 Q Yes.

24 A I mean, my personal energy that I put into
25 acquiring data, creating the message, paying other

1 people to help me with video production, things like
2 that. So there's a lot of, yes.

3 Q And we were talking a little bit about
4 these, I think, about the media buys, which as I
5 understand it and correct me if I'm wrong, are the,
6 the list of leads for potential donors.

7 A Right.

8 Q Did you pay somebody else for those?

9 A Of, of which ones? I'm sorry. Say that
10 again.

11 Q Did you pay anyone to get that information
12 and then, sell that to Progressive Priorities?

13 A Oh, you mean, like, almost like broker
14 something? No, I, I, I'm not sure if I did or didn't.

15 I mean, a lot of the data that I acquired was from
16 just, you know, relationships with people and things
17 like that, so yes.

18 Q So what --

19 A To answer your question, everything,
20 everything originated with me, mostly. I would say
21 maybe, like, like I had Dropbox expenses and things
22 like that, but --

23 Q Right.

24 A -- I'm not sure if that counts.

25 Q I think, I think we're just trying to

1 understand the work that you did --

2 A Right.

3 Q -- of course you know it better than anyone.

4 Would it be fair to say that from your past work, you
5 had these lists of potential donors and that you
6 brought that to Progressive Priorities and they paid
7 you for it?

8 A I had some lists that were, actually, I
9 mean, the source of the data was from, is that what
10 you're asking, like what is the source of the data?
11 Oh, so, I'm, I'm not, I'm not --

12 Q Yes.

13 A -- sure where you're, what are you, I don't
14 want to --

15 Q I think --

16 A I don't understand the question.

17 Q I think the question is you had said that
18 one of the services you provided Progressive
19 Priorities PAC was media buys.

20 A Right.

21 Q And I understand you to mean from that, that
22 you provided lists of potential donors.

23 A Right.

24 Q And I'm wondering where you got those lists.

25 A Okay. So yes, to answer your question,

1 there was one time where I got a list of, of, like,
2 from a, from somebody, a contact that I met through
3 SmartCall. Yeah, so it was, like, a fairly big list,
4 but that list came from a guy, I forget his name, but
5 it was, like, Dan, but he, he basically had this list
6 that I, I'm not sure where he got it from, but I got
7 it from him and it was basically, a list of potential
8 donors. So he, what he does is typically, like he
9 maybe takes, like a database of, like all the
10 consumers that you can purchase and then, he, they
11 have, like the, the, you know, the status of, like
12 their voting, things like that, that they, that they
13 take and then he's able to like make the data and
14 then, provide it to me. So yes.

15 Q And did you pay him for that list,
16 initially?

17 A He would get paid, like on the backend,
18 sometimes, like I never paid him, like directly for
19 the data, but like, for instance, sometimes like in
20 the rate, you know, you can put in there on, like,
21 like to rent his lists, you know, kind of thing, like
22 he can get, like 2 cents per minute or something that,
23 of actual time. so like he's compensated kind of that
24 way. That's how that would work.

25 Q And would he be compensated by Progressive

1 Priorities PAC directly or by you?

2 A That was done through SmartCall, yes.

3 Q So the way that he's compensated is
4 Progressive Priorities PAC pays SmartCall and
5 SmartCall uses a percentage of that to pay him --

6 A Correct.

7 Q -- for these lists?

8 A Correct.

9 Q Okay. So when you say that you provided
10 media buys to Progressive Priorities PAC, what does
11 that, what were you --

12 A Like, just media buying as a general concept
13 of, of basically, like, putting out a political
14 advertisement and paying for that. So, like just
15 media purchase, I guess, I could say that, like
16 purchasing the ability to -- that was a, that was an
17 incorrect term. I, I, maybe just a service or I don't
18 know how to phrase that.

19 Q I'm just trying to --

20 A It's just a --

21 Q -- understand.

22 A -- sub platform.

23 Q You, you have to understand we're attorneys
24 and --

25 A Right.

1 Q -- so we are just trying to get a clear
2 record of how exactly these kinds of transactions work
3 in --

4 A Okay.

5 Q -- in your business. So if this seems
6 really elementary, I apologize. But I was hoping we
7 could just get a sense of, like exactly what services
8 you were providing, like you were explaining it to a
9 kindergartner.

10 A Right, okay. Well, I, I guess, because I
11 don't want to, like say something and, like misspeak,
12 so --

13 Q Of course.

14 A -- generally, the, the, the idea is to get
15 something that's going to work and keep, like funding
16 itself. So, like whether or not that's voice
17 broadcasts or, like something like TV, which, you
18 know, we, we did for Liberty Action Group. The goal
19 is to keep it going, so more people can be reached.
20 So as far as like specifics on, like pay and things
21 like that, for the data for instance, like, I recall
22 one time where the, the, the person was, Dan was
23 compensated through SmartCall.

24 They would basically pay, like a per minute
25 rate or something. And then, like he would, like

1 every time I would send the message out, he would get
2 like 2 cents per minute or something, but I don't have
3 record of that. So it's kind of, like almost, like,
4 you know, he's, like a, a, like, you know, he's
5 getting paid, like instead of like a lump sum, you
6 know, to, to, like to buy the database, you know,
7 we're basically, like, okay, well, we'll, you know,
8 every time we run, like we'll pay you, you know, the 2
9 cents per minute, so you can, you know, be compensated
10 that way, if that makes sense.

11 Q Sure.

12 MS. DI GIOVANNI: Something I'd like for you
13 to, I'll take Exhibit 2 back from you, since it's just
14 in the way. Thank you. Just really quickly,
15 something I'd like you to do with me is, we've
16 discussed how you were paid. Perhaps, individually
17 but also through your company Matte Media Creations.
18 Starting on page 168. I'll wait for you to get there
19 with me, okay. This is where in the filing,
20 Progressive Priorities disbursements begin. Can you
21 look through this page to the end, which is just
22 through page 180 and see if you can find any
23 disbursements to Matte Media Creations or to you,
24 individually? So from page 168 to 180, does Matte
25 Media Creations or your, your name appear?

1 THE WITNESS: No, I don't see it.

2 MS. DI GIOVANNI: Okay. Thank you for
3 confirming that for me, okay. All right, I can take
4 back this monster exhibit. Okay, I can take that back
5 from you. It's sort of cluttering up your table
6 space. Don't worry. It's okay if it's out of order.

7 THE WITNESS: Okay. And I just want to say
8 to, I remember going to OpenSecrets on the, on the web
9 and, like, I'm not sure, like anyways, I guess --
10 remember when I told you on the phone that one time
11 that I remember seeing, I, I remember actually seeing
12 my name on there and it said, like Matt something and,
13 like there was an amount. So, like that's why I told
14 you that I thought it was in the report, but again,
15 like I didn't handle any of the FEC filing, that was
16 all Henok.

17 So Henok was in charge of getting the
18 information that he needed from Progressive
19 Priorities, from the PAC, from, from Rob for the PAC,
20 taking those, you know, whether it's, like access to
21 the PayPal or access to the bank account. He would
22 take those, that information and then, you know, put
23 it in QuickBooks or whatever and then do, do the FEC
24 filing. So at that time, my, my duties were not the
25 financial, like you guys are, you know, I don't know

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1 if you're trying to insinuate that I was or not, but,
2 like, I'm just, I'm just letting you know that that
3 was not my responsibility up until, you know, two
4 months ago, when I wanted to assume role as treasurer.

5 MS. DI GIOVANNI: Sure. And just as, as I
6 said in the beginning, this is sort of fact gathering
7 for us.

8 THE WITNESS: Okay.

9 MS. DI GIOVANNI: This is an investigative
10 deposition. So we are trying to, to understand what
11 happened.

12 THE WITNESS: Got it.

13 MS. DI GIOVANNI: So we appreciate your
14 answers to the best of your knowledge and
15 recollection. Anything you don't know, you don't
16 know. So we're, we're totally in accordance on that.

17 THE WITNESS: Okay.

18 MS. DI GIOVANNI: So with that said, we will
19 be looking at another filing.

20 THE WITNESS: Okay.

21 BY MS. DI GIOVANNI:

22 Q So this will be Exhibit 15. I'll give you
23 this. This is much less hefty. And can you identify
24 this document for me?

25 A This is FEC form 3X, Reports and receipts

1 and disbursements Progressive Priorities PAC.

2 (The document referred to was marked for
3 identification as Agency's Exhibit No. 15)

4 Q Okay. And under box 4, can you identify
5 which report it is? It's at the left side of the --

6 A It's October 15th Quarterly Report.

7 Q Excellent, thank you. And just to, for
8 completeness, were you at all prepared or involved in
9 preparing or filing this report?

10 A No, I was not.

11 Q Okay. And again, just briefly about the
12 PACs receipts. To the best of your knowledge, do
13 these reports include information regarding employer
14 occupation data for the people who contributed to the
15 PAC and those are itemized beginning on page 6.

16 A Can you repeat the question?

17 Q Sure. To the best of your knowledge, which
18 we do understand may be limited, do any of the
19 itemized contributions here in this report contain
20 employer or occupation data for the contributors?

21 A No, they do not.

22 Q Okay. And do you have any idea why, why
23 that information would have been excluded?

24 A No, I'm not sure.

25 Q Got it. And you said before, with respect

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1 to the other report, that that information was not
2 collected contemporaneously, is that true for this
3 report as well?

4 A Yes.

5 Q Okay. And thus far, you personally, have
6 you undertaken any efforts to collect this information
7 for these contributors?

8 A No, I have not. I haven't, I have had, I
9 haven't had the resources and Progressive Priorities
10 PAC currently is insoluble.

11 Q Sure. And then, has anyone else that you're
12 aware of, undertaken efforts to collect that
13 information?

14 A I'm not sure. No, I'm not sure.

15 Q Understood. And like we did before, if
16 you'll turn to page 42. These are itemized
17 disbursements of the PAC. And all right, at the top
18 of the page, you'll see a \$500 disbursement to Josiah
19 Cammer. What do you know about Mr. Cammer?

20 A Josiah Cammer was the director of Liberty
21 Action Group.

22 Q Okay. And is there, do you recall why he
23 was paid by Progressive Priorities PAC?

24 A I can't speculate and I, I didn't oversee
25 him being paid. I know he had access or not Josiah,

1 but I know Kyle Davies had access to the Progressive
2 Priorities and also the Liberty Action bank account.
3 So this might have been an error, you know, so.

4 Q Okay. And as far as you're aware, did Mr.
5 Cammer do any work for Progressive Priorities PAC at
6 any time?

7 A I'm not sure if he did or not.

8 Q Okay. And so you, the, can you read to me
9 the purpose of this disbursement here?

10 A Consulting.

11 Q Okay. And does that job your memory with
12 respect to any payments by Progressive Priorities PAC
13 to Mr. Cammer?

14 A No.

15 Q Okay.

16 A It doesn't.

17 Q All right. Lower down on the same page,
18 you'll see a disbursement to Paysafe. Can you recall
19 anything about this disbursement?

20 A Paysafe? That might have been the, the
21 merchant that I was trying to think of, but I'm not,
22 I, I don't want to speculate.

23 Q Sure and do you see the purpose for that
24 disbursement listed in the report?

25 A Bank charges, okay.

1 Q And does that clarify for you?

2 A Well, a bank charge is, I mean, Paysafe, I
3 know is, is a company that does merchant processing.
4 So this, this, you know, might have been a, like just
5 a, like a fee or something that they charged.

6 Q And you said they do merchant processing.
7 Would that have been, like for contributions received
8 by Progressive Priorities, so they would have been
9 processing those, those transactions? Is that what
10 you're saying?

11 A It, yes. It might have been.

12 Q It might have been? Okay, understood. And
13 then, if you'll skip ahead to the last two pages, 51
14 and 52. At the bottom of 51 and top of 52, there are
15 disbursements to USMS (phonetic) also for bank
16 charges. Can you recall anything further about these
17 disbursements? I'll give you a second to look at
18 them.

19 MR. LAWYER: Where is it?

20 MS. DI GIOVANNI: The bottom of 51 and top
21 of 52.

22 THE WITNESS: You said 51? Okay.

23 MS. DI GIOVANNI: Yes, I'm sorry. The last
24 two pages of the document. At the bottom of 51 and
25 top of 52. So I, the question was about USMS. I'm

1 trying to see if you recall anything further about
2 these disbursements.

3 THE WITNESS: I, yeah, I didn't handle the
4 merchant processing. So I can't give an accurate
5 answer on that.

6 BY MS. DI GIOVANNI:

7 Q But you believe that USMS to have been
8 merchant processing perhaps?

9 A I'm not sure if they did or didn't. I know
10 that was a bank that we used, but I'm not sure if USMS
11 was used by Liberty Action Group or Progressive
12 Priorities.

13 Q Okay, understood.

14 A I would have to check those records.

15 Q Okay. And so in terms of, preparing these
16 reports, who do you recall was responsible for
17 collecting the missing information we've been talking
18 about today?

19 A Henok was, was instructed, well, Henok was,
20 was the, the, the, the main person that was kind of
21 giving direction on what needed to be, what
22 requirements, you know, needed to be fulfilled by the
23 FEC, if there were any, because I do remember him
24 saying that, you know, we needed to go back and use
25 best efforts to try and collect name and occupation

1 for, name, occupation, employer for, for 200 and over.

2 So as far as, like, duties, can you repeat the
3 question again?

4 Q Sure. Just sort of who was in, whose
5 responsibility was it to collect all this information
6 when the, so for instance, the occupation and the
7 employer, whose job was it to make sure that
8 information was, was aggregated for these filings?

9 A I don't think it, I don't think anybody had
10 a specific role.

11 Q Okay.

12 A On that, I think it was a collective effort.

13 Q Okay.

14 A That we, that we just wanted to collect all
15 the information. I don't, I'm not, I'm actually not
16 even certain if everybody that was part of the
17 organization even knew about the occupation, name and
18 employer requirement. We were always just kind of
19 looking at, at Henok for direction on that, so.

20 Q Sure. And, and do you recall that email we
21 read from September of 2016, where Henok no longer
22 wanted to be the treasurer?

23 A Right.

24 Q You, you do recall that email?

25 A Yes.

1 Q So this report is dated October 15th of 2016.

2 A Well, who, who filed this, Henok did. But
3 just because he said he doesn't want to be the
4 treasurer doesn't exactly mean, like, he's, like, I
5 don't know, like he didn't or like, you know, from
6 what I understand, like he, there was nobody else. I
7 don't know, like I, yeah, I'm, I'm very lost on the
8 dates, like I just don't recall any like specific
9 dates --

10 Q Sure.

11 A -- so I don't want to, like say something,
12 so.

13 Q Understood. And when you were saying it was
14 sort of a collective effort to keep this information
15 together, just to be clear. Can you sort of specify
16 who the 'we' is in that collective?

17 A I mean myself, Rob, I know Henok obviously
18 had, you know, intentions to, like make sure this
19 report's accurate, you know, and then Kyle.

20 Q Okay. Got it, thank you. That's all I have
21 on this. Jin, has a question.

22 MS. LEE: With respect to the disbursement
23 sections, the disbursements reflect again payments
24 made to SmartCall Media and Signia Marketing. And can
25 you just restate the, can you just describe the

1 purpose of, purpose of the disbursement for Signia
2 Marketing and SmartCall Media in these, in this
3 report?

4 THE WITNESS: For Signia Media it was the
5 call center and then for SmartCall was for the, for
6 the voice broadcasting, yes.

7 MS. DI GIOVANNI: So to the best of your,
8 your recollections, the purpose remained the same
9 between the April quarterly report and the October
10 quarterly report for Signia Marketing and SmartCall?

11 THE WITNESS: Oh, yes, yes. I mean, the,
12 they, they provide the same services consistently. It
13 wasn't, yes.

14 MS. DI GIOVANNI: Across this time period?

15 THE WITNESS: Correct.

16 MS. ANDRADE: Can I ask a clarifying
17 question?

18 THE WITNESS: Yes.

19 MS. ANDRADE: We've been using the term
20 voice broadcasting --

21 THE WITNESS: That means, that's robocall,
22 yes.

23 MS. ANDRADE: Okay, thank you.

24 MS. DI GIOVANNI: Thank you. That's
25 helpful. Now, I will take this back. We'll actually

1 get a little bit more into that voice broadcasting
2 now. So excellent segue of the clarifying question.
3 This is going to be Exhibit 16, okay.

4 (The document referred to was marked for
5 identification as Agency's Exhibit No. 16)

6 BY MS. DI GIOVANNI:

7 Q So you've stated that, that part of
8 Progressive Priorities work involved sending
9 robocalls. You produced an audio file to me with a,
10 one of these voice broadcasting disseminations.

11 A Yes.

12 Q To the best of your knowledge, does this
13 transcript reflect the substance of the file you
14 provided to me?

15 A Yes.

16 Q Okay. So how did you obtain that audio file
17 that you sent to me?

18 A This was on a video online that what I
19 believe to have been, like various --

20 Q So, I mean, the file that you produced to
21 me, the audio file that you sent to me.

22 A Uh-huh.

23 Q How did you get that file, the, the
24 robocall?

25 A I had, I had it, because I made those

1 myself.

2 Q Okay.

3 A Yeah.

4 Q So you produced the robocall yourself?

5 A Correct.

6 Q Okay. And then, you said that the, the clip
7 included a, a, well the voice of Hillary Clinton.

8 A Correct.

9 Q You're saying that that was a fair use video
10 that you found online, is that correct?

11 A Correct.

12 Q Got it, thank you. So do you recall when
13 this robocall would have been distributed by
14 Progressive Priorities?

15 A I believe over the time that we, that I was
16 providing, you know, that we were running campaigns
17 for Progressive Priorities.

18 Q So throughout most of 2016, is that correct?

19 A Correct, correct.

20 Q Okay. And how many robocalls do you, to the
21 best of your recollection, remember that Progressive
22 Priorities produced during this time period?

23 A A lot, I can't speculate, but over a
24 million.

25 Q So that's the number of people who are

1 reached, but how many different individual scripts
2 were there for these robocalls? Do you recall?

3 A There were, there were various, you know,
4 scripts, but they were, like variants. And I actually
5 don't have those. I only have this one that I
6 provided you.

7 Q Do you know why you don't have the others?

8 A We, we didn't make a lot. We didn't do a
9 lot of testing with, with this, with, like, we, like,
10 we kind of, I, I understood it, like this message, you
11 know, this, this style works really well. So we
12 didn't really do a ton of, like, like creating stuff.

13 And then, like any of these, like any of these, like
14 audio files, I just, I, like, don't have. I just have
15 this one so.

16 Q Okay. And why don't you have them anymore?

17 A I just, I like, don't have access to then.
18 I deleted them.

19 Q Okay.

20 A Yeah.

21 Q And so, you know, since you made these audio
22 files, do you remember how many variations you might
23 have made?

24 A Maybe, like, no, I don't, I don't recall the
25 exact number.

1 Q Sure. Do you have a ballpark, maybe? You
2 know, was it 5 or was it 50?

3 A It was definitely more like five.

4 Q Okay. And do you recall how much you
5 charged for producing these, since they would have
6 required some, some personal effort on your part.

7 A I don't recall how much was charged.

8 Q And might you have records of, of what you
9 charged? I know we've talked about that a little bit,
10 but --

11 A I, I don't.

12 Q Okay. But if you were able to gain access
13 to the Matte Media Creations closed bank account, will
14 you be able to provide that to us?

15 A Yes, I can, yeah.

16 Q Okay.

17 A I'm just trying to think, because I'm not,
18 like, sure how long that's going to take or what
19 process, but I can --

20 Q Sure.

21 A -- attempt to, you know.

22 Q Absolutely.

23 A Okay.

24 Q We understand these things can take a while.
25 But we would appreciate that if you, if you can get a

1 hold of that, that is responsive to the subpoena, so
2 we will --

3 A Okay.

4 Q -- we would like that. And so you said that
5 you created, we'll use the number five, you know, with
6 the understanding that that is not an exact figure.
7 Did you actually disseminate all those variations or
8 were they sort of workshopped versions that you just
9 created internally?

10 A They were, actually, I don't remember, like,
11 exactly how the structure of, of it, of it went, but
12 I, I was able to pull this when I searched for, like
13 the google drive so.

14 Q Sure. And do you recall, I know we, we just
15 moved on from this, but how much you would sort of
16 typically charge for producing a robocall like this?

17 A Again, like I don't, I didn't charge, like a
18 specific amount, like I, when I said consulting, like
19 I, I, I don't want to, I, you know, like the, the
20 reason, the, the charges were based off of, like how,
21 how we were able to like, run the campaign.

22 Q What did --

23 A So, like we didn't have, I didn't have like
24 a fixed invoice amounts like I, like I probably should
25 have sent, but there were, like actual, you know, like

1 amounts that, that went from, like, you know,
2 Progressive Priorities to yeah, there were, there were
3 actual fixed amounts, like it wasn't just willy nilly
4 so.

5 Q Would it be accurate to say that your
6 process for billing Progressive Priorities was perhaps
7 a little informal?

8 A It was informal and yeah, it, it, it's
9 something that we, I, I no longer do with the PACs
10 that I represent.

11 Q Sure, with the understanding that this was,
12 I mean, this was some time ago. This was a relatively
13 new business for you, I totally understand.

14 A Or it's, it's something that I try not to
15 do, yeah.

16 Q And so when you did sort of communicate
17 with, with Rob about how much you needed to get paid
18 for the work you'd done, was it based at all on how
19 much Progressive Priorities had raised in the past
20 time period or was it based on the amount of work
21 you'd done. Can you tell us sort of --

22 A Yeah, this --

23 Q -- how you kind of wiggled that in.

24 A Right. So again, we went by the, the method
25 of, you know, we wanted to, you know, help them

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1 acquire as many donors as, as possible.

2 Q Sure.

3 A So we, we just used, I mean, from, from,
4 from the, even my background, you know, it wasn't
5 uncommon to see, you know, invoices from, from me to
6 companies that just invoiced for the, you know, the,
7 the donation amount with, with the, with the terms
8 that, you know, the PAC would, you know, have rights
9 to that name or be able to, like contact that person
10 again, that's just --

11 Q Sure.

12 A -- kind of like the donor lifetime and how
13 it works so.

14 Q Sure. So when you were talking with Rob
15 about saying, you know, I did this work for the PAC
16 this, say you're, you're billing him once a month.

17 A Right.

18 Q And, and do you recall how often you would
19 get paid at all?

20 A We, we tried to do every week, but again,
21 you know, we were more focused on trying to, you know,
22 build the PAC versus --

23 Q Sure.

24 A -- trying to focus, you know, specifically
25 on, like, like, making sure the invoice was --

1 Q Yeah, it was a, it was a continuing effort.

2 A Correct.

3 Q But so, let's say, every week when you
4 talked to Rob and you're determining how much you need
5 to get paid this week. Are you sort of basing it on
6 the PAC's receipts or on the work you did or a
7 combination of both?

8 A It's a combination of both.

9 Q Okay. And was it sort of a formal
10 percentage or sort of an eyeball, like okay, the PAC
11 made X, so pay me Y this week?

12 A I paid, I paid, you know, to, to be honest,
13 like, I don't feel comfortable answering that, because
14 I'm not really sure, like --

15 MR. LAWYER: And it varied every time.

16 THE WITNESS: Right, like --

17 MR. LAWYER: It wasn't --

18 MS. DI GIOVANNI: Is that your testimony,
19 Mr. Tunstall?

20 THE WITNESS: I was paid as, like a
21 consultant.

22 MS. DI GIOVANNI: Sure.

23 THE WITNESS: But mainly the, the objective
24 was to make sure that the campaign kept going and that
25 there was a, a healthy donor acquisition campaign, so

1 --

2 MS. DI GIOVANNI: Sure.

3 THE WITNESS: -- I wasn't solely paid as a
4 consultant or as media buys, it was more of, you know,
5 a growth factor, so.

6 MS. DI GIOVANNI: Sure and just to, to, just
7 to be clear, I mean, you know, we're not, no one's
8 trying to get a gotcha at the moment. What I'm, what
9 I'm trying to ask is sort of was there a formal
10 calculation that was, was sort of a mathematical
11 formula or was it sort of based on how the PAC was
12 doing and the work you'd done. There was an informal
13 agreement as to how much you would be paid for your
14 services.

15 THE WITNESS: Correct. There was more of
16 the latter, so the informal, looking back in
17 retrospect, it would have made sense to do something,
18 like a, an agreement, where, you know, I was paid for
19 access to experience, I was and then, I had, you know,
20 actual amounts, but we just, it was the first kind of
21 PACs that we did, like, so it was hard to understand
22 like the exact best practices.

23 BY MS. DI GIOVANNI:

24 Q Understood, absolutely. Let me make sure
25 I've covered everything about this transcript. We're

1 having such a nice conversation, I'm getting off my
2 outline, okay. So we've talked about how Signia and
3 SmartCall, Signia was the call center, SmartCall was
4 the robocalling operation. Were there any costs,
5 other than your costs for, for making the robocall,
6 that are reflected in the reports we talked about or
7 was that pretty much the, the call center SmartCall
8 for distributing it and you?

9 A Yeah, I believe, I believe that was it.
10 Yes, I do believe that's, I'm not, I'm not sure if
11 there were, like, other, like other charges, but the
12 way that Henok would do the filings is he would,
13 again, just, you know, request access for the bank
14 account and, and then, like take whatever expenses are
15 there and, and do the reports, so I just don't
16 remember the specifics.

17 Q Sure. Something that you mentioned, as, as
18 we discussed before, so everybody except possibly
19 Monique, I believe, was her name, got paid. Was Reyes
20 paid individually or did he have a company or was he
21 paid through Matte Media Creations? Do you recall?

22 A Yes, I do recall, okay. I believe he was
23 paid, I, I, like, does the record show that he was
24 paid at all?

25 Q It's kind of hard to tell and we're trying

1 to figure out what you remember. Was it a
2 possibility, I think you mentioned earlier, did he
3 have a Modern Media Creations?

4 A Right.

5 Q Was that Robert Reyes?

6 A Right.

7 Q And was that the company he was using at the
8 time he was working with, with Progressive Priorities
9 PAC?

10 A Yes, it was. I'm trying to think. Okay,
11 can I go back and, like modify, because I'm
12 remembering --

13 Q Oh, absolutely.

14 A -- some stuff.

15 Q No, please, we understand.

16 A Okay.

17 Q Memory is not perfect.

18 A Okay, yeah. So I remember, okay, so
19 actually, okay, yeah, so SmartCall, basically with
20 SmartCall, they were, they, we, we had everything,
21 like bundled for, for this particular client, like
22 with SmartCall. So, like --

23 Q Okay.

24 A -- SmartCall would pay the, the people in,
25 like the data people, you know, because we set that up

1 and that was working. To my knowledge, like there
2 wasn't any law that said you couldn't, you know, be
3 paid by somebody else.

4 Q Sure.

5 A So on the back end as well, you know, we had
6 SmartCall actually -- basically they would, we would,
7 we would be, like, okay, so they would be, we would
8 be, like wholesalers, I guess you could say.

9 Q Okay.

10 A So, like we, we brought the client, you
11 know, and then, we would get, like, I guess, they
12 would call them, like kickbacks so.

13 Q So am I correct in understanding
14 functionally, you were paid through SmartCall, because
15 --

16 A Yes, yes, as far as getting some
17 compensation, because I wanted to make sure this is
18 correct for the record.

19 Q Sure.

20 A We -- I was compensated. I don't know how
21 it shows in the, like, I, I can't testify, like give
22 testament of, like how exactly it showed up, but I
23 know that we were compensated. And when I said the
24 300,000 to, like, a million, that came in, in some way
25 either from, like SmartCall or, like invoices direct,

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1 again, like it was a long time ago. And, like I had
2 multiple PACs, LAG and, and Progressive Priorities, so
3 it was just hard, it's just hard for me to, like
4 recollect everything, but I was paid for my services.

5 Q Yeah, absolutely. And just to be clear when
6 you said the 300,000 to a million, what is that figure
7 exactly that you're talking --

8 A That's the figure of, like how much I, like
9 -- so when I, when I go in, because I'm going to go
10 get the Matte Media Creation bank statement, right?
11 And it's going to show, and it's going to show, like
12 either it's going to show either payments coming from
13 SmartCall or Progressive Priorities. I don't know
14 which one, but, like, because I don't remember, but
15 there's, there's going to be, like compensation. And
16 I think the range is from, like 300,000 to a million.
17 I'm not sure exactly.

18 Q Okay. So and that was during the time
19 period of 2016? That's sort of the ballpark of what
20 you remember that you received?

21 A Correct. And if Rob was paid, like he
22 might, he might have been paid that way. I'm, I'm
23 fairly certain he was paid in the same aspect, because
24 we wanted to keep things simple, so.

25 Q Got it. And as far as you're aware, so both

1 you and Rob, to the best of your recollection, were
2 paid through SmartCall Media?

3 A Yes.

4 Q Okay.

5 A I'm, I'm, yes.

6 Q Got it.

7 A Correct.

8 BY MS. ANDRADE:

9 Q Was anyone else paid through SmartCall
10 Media?

11 A No. I actually do remember that it was only
12 myself and Rob, because we were the ones who, you
13 know, brought this particular client to, you know, so.

14 MS. ANDRADE: Got it, okay.

15 BY MS. LEE:

16 Q When you say brought this client, what do
17 you mean?

18 A Like, well, we, okay, I'm, yeah, brought
19 this client is probably not the best term, but, like,
20 I had an existing relationship with them, so, you
21 know, I, I wanted to, you know, dial in that platform
22 and basically, just, you know, so I, I had that
23 relationship. Is that what you're asking?

24 BY MS. DI GIOVANNI:

25 Q Them being SmartCall Media?

1 A Yes.

2 Q Just to clarify for the, the recording, them
3 being SmartCall Media?

4 A Yes.

5 Q Yes, okay.

6 A Can you, can you rephrase or repeat the
7 question?

8 Q You said, you brought this client to them.
9 And so we want to know who "this client" and who
10 "them" is.

11 A Right. So the, the client is Progressive
12 Priorities PAC, the service is SmartCall Media.

13 MS. ANDRADE: Okay, thank you.

14 MS. DI GIOVANNI: Got it, that makes sense.

15 BY MS. DI GIOVANNI:

16 Q Okay, one last question about this specific
17 robocall. So this call and Progressive Priorities PAC
18 generally supported Hillary Clinton. Do you recall
19 whether Progressive Priorities used any contributions
20 it received to support Hillary Clinton's campaign?

21 A I don't believe it did. Simply because I
22 don't, I don't, I don't think that the actual PAC was
23 set up to even allow contributions to a candidate.
24 And typically, the way that this was explained to me
25 and was, was that, you know, with Super PACs that are

1 unauthorized, you're not allowed to contribute to the
2 candidate. You have to have, like a Carry PAC or
3 something like that set up. So I was, I was aware of,
4 of that and that it's, you know, typically with these
5 PACs, you're not supposed to donate to the candidate,
6 because, from the PAC, because then it might be
7 perceived as coordination, so.

8 Q So was Progressive Priorities PAC a Super
9 PAC?

10 A I don't know what the actual, you know, I
11 don't know what the actual PAC was. I didn't set the
12 PAC up.

13 Q Sure. And then in terms of just it's
14 activities, did the PAC make any independent
15 expenditures sort of in support of Hillary Clinton?
16 Where it didn't give her the money directly, but it
17 put out ads on her behalf?

18 A I'm not sure if, if it was filed or not as
19 an independent expenditure, but there was expressed
20 advocacy involved.

21 Q Okay, okay.

22 MS. ANDRADE: May I ask a few follow up
23 questions?

24 MS. DI GIOVANNI: Please.

25 BY MS. ANDRADE:

1 Q You said that you didn't set up the PAC.
2 Who did?

3 A I, I believe, well, okay, when, okay, now my
4 words are getting mixed up, okay. But okay, when I
5 say, like set up PAC, I mean, like the original, Henok
6 was the guy who was, you know, he, he, like, I believe
7 he filed, I'm not sure, but I think he did file with
8 the, to get the FEC ID Number and everything. So when
9 I say setup the PAC, I mean, like, the person who's
10 actually setting up the ID. So, like, and, like
11 registering with you guys at the FEC.

12 Q Okay. So --

13 A So, like the actual formation and things
14 like that, like, I did, I did assist with that, so
15 just to, just to clarify.

16 Q And so, would I be, correct me if I'm wrong,
17 the PAC conceptually was sort of your idea or was it
18 you and Rob?

19 A Forming the PAC? It was a collective
20 effort. It really was.

21 Q Collective effort would mean?

22 A It's, I mean, I, I already testified to
23 this, but basically, you know, I was, you know, I had
24 the experience, then, you know, Rob said he, you know,
25 might want to join, you know, Davies and then, we had,

1 you know, some interest from somebody who wanted to be
2 a director, kind of things, so.

3 Q Right and then, and then, Henok Tedla was
4 the one who actually filed the paperwork --

5 A Correct.

6 Q -- to get the FEC Number and that's --

7 A Correct.

8 Q -- what you were referring to when you said
9 you --

10 A Correct.

11 Q -- didn't set up the PAC?

12 A Correct and to my knowledge, he did get
13 that, correct.

14 Q Correct. And you mentioned Express Advocacy
15 in some of Progressive Priorities PAC's activities.
16 Can you clarify what types of activities would have
17 included Express Advocacy?

18 A Yes. Saying, like support, you know, get
19 out to vote, support X candidate, oppose X candidate,
20 things like that.

21 Q And were those also robocalls?

22 A The way it was explained to me by, by
23 counsel that I've previously, you know, contracted
24 with, you know, is, like -- and I actually even called
25 you guys, the FEC, I said, hey, look, like, you know,

1 is this expressed advocacy or not? Is this
2 fundraising? And they, they said, okay, well, if
3 there's expressed advocacy actually in the message,
4 then it's an independent expenditure.

5 So there were times that I was running
6 things that had expressed advocacy in it, but the way
7 that Henok filed, he filed to, I guess, the -- you
8 know, he had his technique of filing. I didn't have,
9 like, you know, specificity on, like, how exactly and,
10 like, the breakdown of, like, operating expenditures
11 versus independent expenditures, like I, I have the
12 flexibility now with like the PACs that I have.

13 At the time, like Henok was just, he was
14 the, the resource that, that was supposed to be the
15 knowledge person that knew all of the requirements and
16 things like that. So there might have been messages
17 that we put out, including this one. Or there's,
18 like, other messages that might have, might have had
19 expressed advocacy that just weren't explicitly put in
20 the report as an independent expenditure.

21 Q Yeah, I understand, I --

22 A Okay.

23 Q -- I think the question is just to
24 understand the kinds of activities that Progressive
25 Priorities PAC was doing. We have here a transcript,

1 a robocall that you provided us with, thank you very
2 much and is this the kind of thing that you would say
3 this was expressed advocacy?

4 A I'm not, again, I would have this reviewed
5 by an attorney to see if it's actually expressed
6 advocacy or not, but at the time, this, I didn't, I
7 didn't believe, I didn't even know about expressed
8 advocacy at the time. I just knew that the advocacy
9 involved, reaching as many people as possible and
10 sharing a message of, that, that showed, you know, if
11 you support or oppose a candidate. And so that's what
12 that message does. So this message was -- the, the
13 advocacy that Progressive Priorities did was to reach
14 people, as kind of a, like a rebroadcast that
15 basically, hey, you know, this, this is, the
16 candidate, she's running, and then, you know, the, the
17 broadcast would actually reach as many people as
18 possible to create advocacy.

19 Q I see what you're saying and I, I understand
20 you're not a campaign finance lawyer.

21 A Right, right.

22 Q I'm not trying to get you to express a legal
23 opinion about this document.

24 A Okay.

25 Q What I'm trying to understand is you

1 mentioned that you guys were doing expressed advocacy
2 and so what I'm curious about is, what form that took.

3 This is an advertisement that is promoting Hillary
4 Clinton arguably and also soliciting contributions.
5 Were there other advertisements that just advocated
6 say, for Hillary Clinton, but did not include a
7 fundraising component?

8 A I'm not sure. At times, we would run what
9 we call like a soft ask, to where we, instead of
10 having, press 1 to donate, we would press 1 to, you
11 know, pledge to support, things like that. So there
12 was language of, you know, supporting the candidate.
13 And then, if they wanted to make the donation, they
14 could make a donation. So there wasn't always this,
15 like, what we call, like a hard ask style, which is
16 where they're just, you know, asking directly for the,
17 the contribution.

18 So and again, you know, the, the, the PAC
19 was only around for eight months and it was just hard
20 to keep, you know, things in place, especially with
21 directors leaving and things like that. In hindsight,
22 you know, if we had maybe a little more stability, we
23 could have branched out, because typically that's what
24 you want to do. You want to, you know, have your
25 operating expenses, expenditures done in the very

1 beginning to, you know, raise a little amount of money
2 and then, once you do that, then, you know, start to
3 progress into like independent expenditures and things
4 like that. So that was kind of the strategy that I
5 wanted to employ.

6 Q I understand, I think. So in this, in this
7 advertisement, there is a hard ask, correct?

8 A Correct.

9 Q In other advertisements, there was what you
10 called a soft ask, where you could say press 1 to show
11 your support. What happened when someone would press
12 1?

13 A Yes, it would be similar to where they would
14 press 1 and then they would say, it would say, okay,
15 thank you so much for pledging your support, you know,
16 can you help us, you know, get the message out to more
17 people by, you know, pressing 1 contribute, you know,
18 and then, obviously, that contribution would then go
19 back to the PAC. So it could basically self-fund and
20 like rebroadcast more people to spread the message.

21 Q Okay. So and, for all of the robocalls that
22 you did, was there always this option to donate then?

23 A I, from, from my collection, we ran this
24 message heavily. I'm not exactly certain on, you
25 know, like how much the soft ask versus the hard ask

1 was ran, but and I don't have the soft ask files. I
2 was only able to pull this one, because it was
3 majority of what we used. So this is kind of like the
4 main message so.

5 Q Okay. The other thing and I, I think the
6 record might be a little bit unclear, just because I
7 didn't really follow. You mentioned that you had a
8 number of other versions of this, were they
9 broadcasted or --

10 A Not all of them were broadcasted. You know,
11 basically, I, I was always, I wanted to make sure that
12 the, like the disclosures were in here, you know, who
13 it was paid for by, because I, I've called the FEC,
14 you know, before and just made sure that that was, you
15 know, like a requirement. Does that answer your
16 question?

17 Q I think, I, I think what would be helpful is
18 to have a record of all the various scripts that were
19 ever actually broadcast to potential contributors. Is
20 that the kind of information you could obtain?

21 A I don't have that information, simply
22 because I, I'm, I'm pulling this information from,
23 like 2016. I don't have that account with SmartCall
24 anymore, because I haven't used them. So I don't have
25 access to that and I no longer work with SmartCall

1 anymore, so.

2 Q Understood, to the best of your
3 recollection, were the other versions of this ad,
4 materially different in any ways that you can
5 remember?

6 A No, they weren't.

7 Q Okay.

8 BY MS. DI GIOVANNI:

9 Q And did you have any ads that used perhaps
10 other politicians in support of Hillary Clinton, maybe
11 Obama or, or other individuals?

12 A I don't remember if we used, but we, we
13 didn't, the, the goal, the goal that Michelle and
14 Alexa had was, like Hillary. So I know that it said
15 'Obama mailer' on that one document that I sent you,
16 but and when I was pulling documents for you, I was
17 just kind of looking for, like democratic key words,
18 because like I was a --

19 Q Sure.

20 A -- democratic back. So again, like, I don't
21 really, like it could have been like a lead file that
22 I got or something, you know, so.

23 MS. DI GIOVANNI: Okay, that is good. We,
24 we, do you guys mind if we take a brief break?

25 THE WITNESS: Yeah, sure. That's fine.

1 (Whereupon, a brief recess was taken.)

2 BY MS. DI GIOVANNI:

3 Q Okay, we are back on the record. Before we
4 move on, do either of you have any other follow up
5 questions on the, the transcript? Okay, I'll take
6 that back from you, thank you. Now, onto Exhibit 17.

7 Can you, sorry about that, and then, you. So with
8 the understanding that you may not have seen this
9 before can you, what do you recognize this document to
10 be?

11 A These are checks that are made to
12 Progressive Priorities PAC.

13 (The document referred to was marked for
14 identification as Agency's Exhibit No. 17.)

15 Q And take your time and take a moment to look
16 at these. I know that there's ten. Just take a look,
17 a moment to go over them --

18 A Yes, okay.

19 Q -- Okay. So the last two, so looking at the
20 first check, could you just say for me what's written
21 in the memo line of that check?

22 A Hillary Clinton.

23 Q Okay. And then, just going ahead to the
24 second to last check, the one that's numbered 1934,
25 second to last, so it should be the, the regions 1,

1 there you are. Can you read the "pay to the order of"
2 line for me?

3 A Oh, Hillary Clinton campaign.

4 Q Yep. So with the understanding that you,
5 you may or may not have the answer to this, what did
6 Progressive Priorities PAC do with checks that were
7 made out to Hillary Clinton?

8 A To my understanding, Kyle Davies was the one
9 who was depositing. So he was instructed just to
10 deposit them. I, in hindsight, you know, it would
11 have been helpful to, you know, write these people
12 back and tell them, hey, like, this is, you can't make
13 this out to this candidate, but his, his job role was
14 to deposit the checks, if, if the bank accepted the
15 check, you know, like it was just not unreasonable for
16 him to think that, you know, it's, he's doing his job.

17 Q Sure. And you said he was instructed to do
18 that. Who, who instructed to deposit checks?

19 A Oh, I, I definitely told him that, you need
20 to deposit the checks and, like --

21 Q Sure.

22 A -- you know, take the information and so,
23 we, you know, we can give it to Henok and be
24 compliant, so.

25 Q Okay. So as far as you're aware, you know,

1 these checks were deposited into Progressive
2 Priorities account?

3 A Correct.

4 Q Okay.

5 A I'm, I mean, I'm not, I didn't actually see
6 them get deposited, but yes.

7 Q Okay.

8 A That's, that's the order of things.

9 Q And it would have gone into, would have been
10 used for the same purposes as all of the rest of
11 Progressive Priorities funds, is that correct?

12 A Correct.

13 Q Okay.

14 BY MS. LEE:

15 Q So how did you first learn about
16 contributors making checks out to Hillary Clinton?

17 A I've never, this is the first time that I've
18 seen this document.

19 Q Okay. So you, you didn't, before you saw
20 this document, you weren't aware that people were
21 making --

22 A No, I wasn't aware.

23 Q Okay, okay. Well, then you just said that
24 you told Kyle that he had to deposit the checks.

25 A Right, but I, I, I didn't see the actual

1 check image that said, Hillary Clinton Campaign. I've
2 never --

3 Q Okay.

4 A -- seen that, this check.

5 Q Oh, okay. So you weren't aware until today
6 that people were --

7 A Correct.

8 Q Okay, okay.

9 MS. DI GIOVANNI: So just to clarify, your,
10 your instruction to him to deposit the checks was just
11 to deposit the checks he received on behalf of --

12 THE WITNESS: Right.

13 MS. DI GIOVANNI: -- Progressive Priorities?

14 THE WITNESS: Right.

15 MS. DI GIOVANNI: Not the checks
16 specifically that said Hillary Clinton on them?

17 THE WITNESS: Correct.

18 BY MS. ANDRADE:

19 Q Who was, who was coordinating with Kyle
20 Davies, was it or was it Rob Reyes?

21 A Rob mainly. It was, you know, Rob, Henok
22 and Kyle were kind of like this whole check, you know,
23 process thing, was that was kind of the chain. So it
24 was, like Kyle would go deposit. Rob would, you know,
25 have communication with Henok and, you know, Rob would

1 have communication with Kyle. So he was kind of the
2 intermediary.

3 Q And it's been your testimony, as I
4 understand it, that you were not very involved in --

5 A I --

6 Q -- that aspect?

7 A Right, correct. I, I understood the process
8 of, of how, you know, logistics were set up, but I, I
9 don't have, like details on, like, I didn't have
10 details on, like every single check image and things
11 like that.

12 Q Did you ever have group meetings or phone
13 calls about this?

14 A About what in particular?

15 Q About Kyle and Rob and Henok handling the
16 incoming funds?

17 A We, we had, we just, they were, they just
18 had basic instructions. I mean, the, to answer your
19 question, yes, we did have, like phone calls and
20 things like that. There was communication, yes.

21 Q And that's how you knew what everybody's
22 role was?

23 A That's how I knew their role and then,
24 that's how I made sure things were getting done, like
25 Rob would have told me, like, hey, look, if Davies

1 just or Kyle Davies just, you know, stopped depositing
2 checks or something. So I knew more broadly of, like
3 what was happening.

4 BY MS. DI GIOVANNI:

5 Q So would it be accurate to say that you were
6 sort of managing the operations and they were the,
7 sort of the boots on the ground?

8 A Rob was in charge of, like, the, the admin,
9 administrative tasks, along with Kyle and I was more
10 of the creative and making sure, like things are,
11 like, compliant on the messaging side with the FEC.

12 Q Okay and I'll take that back from you. Thank
13 you. Okay and this is Exhibit 18. Here you are. And
14 this is a double-sided document. Could you tell me
15 what this document is?

16 A This is a document that was sent by my
17 appointed registered agent for Progressive Priorities.
18 She had recommended that I, do you want me to say the
19 name of this or?

20 (The document referred to was marked for
21 identification as Agency's Exhibit No. 18.)

22 Q Sure, tell me, tell me everything --

23 A Okay.

24 Q Tell me everything you remember about this
25 and what it is.

1 A Yeah. So this the document, so I, I'd
2 received a phone call from Justine di Giovanni and she
3 told me that there was a, the, the filing was late and
4 that there, you know, might have been some
5 inaccuracies and I reached out to Rob. Rob, Rob
6 didn't want to handle this. Kyle didn't want to
7 handle this. Alexa, you know, I, I contacted her on
8 messenger briefly. She responded back but didn't
9 respond to when I sent her this to sign it. and then,
10 I tried to call Michelle and she was unavailable.

11 So going back to what I was saying. This,
12 this document was given, given to me that was drawn up
13 by the accountant that I have now that was in charge
14 of doing the filings that brought Progressive
15 Priorities to good standing and she told me that I
16 needed to get this signed by Alexa, since Alexa was
17 the originating person on Progressive Priorities and
18 that if I didn't, you know, get this signed then, you
19 know, if Alexa doesn't respond in 30 days, then, you
20 know, somebody has to take over that was, you know,
21 affiliated with this and that, you know, I should, I
22 could, I could basically be under Progressive
23 Priorities and then, be able to handle this matter so.

24 Q Okay. And so you mentioned an accountant
25 that's working with you. Who is that?

1 A Amber Gormley (phonetic) or Amber Vaughn,
2 I'm not sure, I guess.

3 Q And did she prepare this document or did
4 you?

5 A She prepared this, yes.

6 Q Okay.

7 A And then she told me to get Alexa to sign
8 this per her, you know, her advice. So again, like,
9 I, my, my, my strategy is always to, you know, hire
10 attorney and accounting expertise, whether there, you
11 know, where they would, like accurately, you know,
12 file or not, but at least, you know, I'm, I'm
13 attempting to, like, kind of delegate those tasks out.
14 That's kind of my and then focus on the campaigning,
15 so.

16 Q Sure. And is it correct to, to sort of
17 summarize what you've just told me about this document
18 that you sent this document to Alexa Roth, in an
19 attempt to sort of gain control over the PAC, so that
20 you could amend its filings?

21 A Correct and bring it to good standing, yes.

22 Q Okay. And did Alexa ever sign this
23 document?

24 A No and she also did not respond.

25 Q Okay. And do you know why she stopped

1 responding and didn't sign the document?

2 A I mean, I don't want to speculate, but, you
3 know, I think, honestly, you know, she just, she just
4 doesn't want to be involved, you know, in anything,
5 so.

6 Q And you have attempted to contact her since
7 August of 2019?

8 A I'm not, I think I might have sent some
9 follow up texts, but I'm not, I'm not exactly sure.

10 Q Sure. So since this document represents
11 that you're sort of taking over the PAC, have you
12 filed an Amended Statement of Organization with the
13 FEC that lists you as the treasurer?

14 A Yes. I was able to get access, so I went,
15 the, the sheet that I sent you that had all the,
16 usernames and credentials, there was, like a backup
17 email, I think it was, like to Rob. So I had asked
18 Rob if he could, you know, try to, like, send me a
19 code, you know, when it came. So Google sent me, it,
20 like, it took like three or four days or something,
21 but they finally sent the code. I got access.

22 Q Okay.

23 A And then I was able to, like, you know, get
24 in there and, and, you know, change it to, to make
25 myself treasurer, so I could handle this situation.

1 Q Okay. And then, so now that you're the
2 treasurer then, do you intend to amend the reports
3 we've talked about to include the missing information
4 to the best of your ability?

5 A Yes, I do.

6 Q Okay. So what is PPP's status, Progressive
7 Priorities status now?

8 A Progressive Priorities status is closed. I
9 received a letter of good standing from the FEC and
10 they said that I have the option to open it or keep it
11 closed, but it said that the status is closed. But if
12 you are recommending that I, that I get the name and
13 address and employer, I can, I can, you know, do those
14 things.

15 Q Okay. And is Progressive Priorities, do you
16 intend to sort of engage in any activities, like
17 robocalls or mailers for the 2020 election?

18 A At this point, I'm not sure, no. And, and
19 no, I don't, I don't think I, for, for Progressive
20 Priorities?

21 Q For Progressive Priorities.

22 A No, no, I, I, I want to close it and, you
23 know, make sure it's in good standing and leave it at
24 that.

25 Q Okay.

1 A If there's inconsistencies and inaccuracies,
2 I want to try to attempt to, you know, get those done,
3 fix those and rectify and even, I was, you know,
4 saying that, you know, possibly attending like a
5 training that you guys have, like a webinar to, to
6 show a good effort that I am, I'm, like educating
7 myself, so.

8 Q Sure.

9 MS. DI GIOVANNI: Jin, do you have any
10 follow up questions?

11 MS. LEE: When you mean closed, do you mean
12 terminated or I'm not quite sure what you mean by --

13 THE WITNESS: Basically, not raise any, any
14 more funds or keep it open, so just --

15 MS. LEE: Okay.

16 THE WITNESS: -- keep it closed.

17 MR. LAWYER: And you said you haven't had
18 any activities for 19, 18, 17, correct?

19 THE WITNESS: Correct. The, the and just to
20 clarify, the letter that I received, I, I believe in
21 there it said that it's, it's closed, however you have
22 the option of opening it, it again, if you'd like.
23 But I, I think I've, you know, well, I want to keep it
24 closed.

25 MS. DI GIOVANNI: Any follow up questions?

1 Okay, so I'll take that back from you. And counsel,
2 if you have any redirect you'd like to ask at this
3 time, you can go ahead.

4 MR. LAWYER: As far as my client is
5 concerned, will he or will he not have to come back
6 again or will I have to, will I be allowed to
7 represent him, because obviously, he's in school, he
8 doesn't live here. He's all the way in Oklahoma, so -
9 -

10 THE WITNESS: Texas.

11 MR. LAWYER: I'm, I'm sorry, Texas. So it's
12 expensive for him to come back and then miss school.
13 So I would like to know if it's possible that he
14 doesn't have to come again and if you should need any
15 more information, then I will come and represent him,
16 since I'm here in D.C.

17 MS. DI GIOVANNI: Understood. So since,
18 since Wednesday, you've been very helpful and sending
19 us many documents that were responsive to our
20 subpoena. Of course, you know, there may be documents
21 outstanding that further efforts on your behalf may
22 uncover. And there's a possibility that those
23 documents may require us to ask you further questions.
24 It's possible that we may be able to conduct this via
25 informal process, but we may need to get his

1 deposition. We can't rule it out and it depends on
2 the information we have going forward. At this
3 current time, no, we don't have, you know, sort of on
4 the calendar another date to, to speak with you.

5 MR. LAWYER: Right.

6 MS. DI GIOVANNI: But, but should more
7 information arise, that's, that is a possibility.

8 MR. LAWYER: So it's, there's, there's a
9 chance that he may still have to come back at a later
10 date?

11 MS. DI GIOVANNI: Yes.

12 MR. LAWYER: Okay.

13 MS. LEE: But I think for today, we've, you
14 know, you've answered all our questions.

15 MR. LAWYER: Okay.

16 MS. DI GIOVANNI: With what we've got now,
17 you've been very cooperative and we, we appreciate you
18 taking the time. So for that, and just to, to
19 confirm, we've already talked about this, but should
20 you find further documents, can you confirm that you
21 will produce those to us?

22 THE WITNESS: Yes, I can.

23 MS. DI GIOVANNI: Absolutely, thank you. I
24 think that is all today and we can close the record.

25 //

1 (Whereupon, at 2:45 p.m., the deposition in
2 the above-entitled matter concluded.)
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Heritage Reporting Corporation
(202) 628-4888

I have read the foregoing pages 1 through
206, and they are a true and accurate record
of my testimony therein recorded, and any
changes and/or corrections appear on the
attached errata sheet signed by me.

Matthew Tunstall

Subscribed and sworn to before me
this ____ day of _____, 2019.

Notary Public

My Commission expires: _____

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JURISDICTION:

Before me, the undersigned authority, personally appeared Matthew Tunstall who, after being duly sworn states that he/she has read the foregoing deposition transcript, and states that he/she wishes to make the following changes or corrections to this transcript for the following reasons:

PAGE	LINE	CHANGE	REASON FOR CHANGE
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The witness states that the deposition transcript, pages 1 through 206, is otherwise true and accurate.

Matthew Tunstall

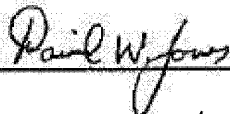
Subscribed and sworn to before me on
the _____ day of _____, 2019.

Notary Public

My Commission Expires: _____

CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

I, David Jones, the officer before whom the foregoing testimony was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto; nor am I financially or otherwise interested in the outcome of the action.



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